

The Gazette



of India

PUBLISHED BY AUTHORITY

 No. 47] NEW DELHI, SATURDAY, NOVEMBER 24, 1962/AGRAHAYANA 3, 1884

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 15th November, 1962:—

Issue No.	No. and date	Issued by	Subject
332-A]	S.O. 3340-A, dated 8th November, 1962.	Ministry of Railways	Cancellation of Notification No. E(O)II-62 AP/3, dated the 17th. October, 1962, published in Part 2, Sub-section (ii) of Section 3 of the Government of India Gazette Extraordinary Issue dated Thursday the 18th October, 1962.
333	S.O. 3421, dated 9th November, 1962.	Election Commission, India.	Designating each of the Parliamentary Constituencies in the State of Mysore as specified in the Table appended.
334	S.O. 3422, dated 9th November, 1962.	Ministry of Information and Broadcasting.	Approval of films specified therein.
	S.O. 3423, dated 9th November, 1962.	Ditto.	Approval of film specified therein.
335	S.O. 3424, dated 12th November, 1962.	Ministry of Commerce & Industry.	Amendments to the Exports (Control) Order, 1962.
336	S.O. 3425, dated 13th November, 1962.	Ditto.	The Woollen Textiles (Production and Distribution Control) Order, 1962.
	S.O. 3426, dated 13th November, 1962.	Ditto.	Appointment of Shri I.B. Dutt, as Controller of Woollen Textiles.

Issue No.	No. and Date	Issued by	Subject
337	S.O. 3427, dated 13th November, 1962.	Ministry of Commerce & Industry.	Rescinding the Notification No. S.O. 2635, dated the 26th October, 1962.
	S.O. 3428, dated 13th November, 1962.	Ditto.	Declaring that no person shall, save with the permission of the Central Government, enter into any forward contract for the sale or purchase of Gold and fixes under clause (a) of Section 16 of the Forward Contracts (Regulation) Act, 1952.
338	S.O. 3481, dated 14th November, 1962.	Ditto.	Amendments to the Exports (Control) Order, 1962.
339	S.O. 3482, dated 14th November, 1962.	Cabinet Secretariat	Amendments in the Government of India (Allocation of Business) Rules, 1961.
340	S.O. 3483, dated 15th November, 1962.	Ministry of Commerce & Industry.	Appointment of a body of persons for the persons of making a full and complete investigation into the circumstances of the case.
341	S.O. 3484, dated 15th November, 1962.	Ditto.	Rescinding the Notification No. S.O. 2637, dated the 26th October, 1960.
	S.O. 3485, dated 15th November, 1962.	Ditto.	Prohibition of forward contracts for the purchase of or sale of Gold under the Notification No. 34(II)/7MP/FMC 62-II, dated the 13th November, 1962.
	S.O. 3486, dated 15th November, 1962.	Ministry of Commerce & Industry.	Declaration that no person shall, save with permission of the Central Government, enter into any non-transferable specific delivery contract for the sale or purchase of gold.

Copies of the Gazettes Extraordinary mentioned above, will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 6th November, 1962.

S.O. 3496.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951,

incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

SCHEDULE.

Name and address of the disqualified candidate	Serial No. and name of constituency	Commission's notification No. and date under which disqualified
1	2	3
Shri Mishri Singh, Village Maheshkhut Rajdhani, P.S. Gogri, District Monghyr.	No. 31-Khagaria.	No. BR-P/31/62(46), dated the 29th September, 1962.

[No. BR-P/31/62(46-R)/71108.]

By Order,

V. RAGHAVAN, Under Secy.

New Delhi, the 15th November, 1962

S.O. 3497.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 3rd November, 1962, by the Election Tribunal, Jodhpur.

IN THE COURT OF THE MEMBER ELECTION TRIBUNAL, JODHPUR,
(RAJASTHAN)

Shri Narendra Kumar Sanghi son of Vs. 1. Shri Laxmi Mall Singhvi,
Shri Motilal Sanghi, Resident of 2. Shri Santosh Singh,
Jodhpur. 3. Shri Achlu Ram,
4. Shri Pusa Ram,
5. Shri Nahar Singh,
and
6. Shri Jalu Ram.

ELECTION PETITION No. 303 of 1962.

Election Petition under section 81 of the Representation of the People Act, 1951.

Date of Judgment:

November 3, 1962

PRESENT: Shri Bal Kishan Mohanani for the petitioner.

Shri L. M. Singhvi—respondent No. 1, and his learned counsel Shri Lekh Raj.

Shri Ram Narain for the respondent No. 4.

Shri Pusa Ram.

JUDGMENT

This petition has been filed by Shri Narendra Kumar Sanghi under section 81, of the Representation of the People Act, 1951, calling in question the election of Shri Laxmi Mall Singhvi—respondent No. 1, to the House of the People from the Jodhpur Parliamentary Constituency.

In February, 1962, election was held in this Constituency for electing a member for the Parliament. The petitioner and all the six respondents contested this election, and the polling took place on the 21st, 23rd and 25th of February. When the ballot papers were counted, Shri Laxmi Mall Singhvi secured 113445 valid votes whereas Shri Narendra Kumar Sanghi—the petitioner obtained only 111811

valid votes, while the other five respondents polled much lesser number of votes, and as Shri Laxmi Mall Singhvi had obtained the majority of votes, he was declared elected. Therefore, this present petition had been filed on the 16th day of April, 1962, challenging the election of the returned candidate on two main grounds.

The first one is that irregularities and mistakes were committed in the counting and scrutiny of ballot-papers in as much as many valid votes received by the petitioner had been counted in favour of Shri Laxmi Mall Singhvi, and further hundreds of valid votes given in favour of the petitioner were improperly rejected as invalid, while many invalid votes cast for Shri Laxmi Mall Singhvi were incorrectly accepted as valid, and on account of these irregularities Shri Laxmi Mall Singhvi had been shown to have secured majority of valid votes. It was urged that on recounting and rescruity of all the valid and invalid ballot-papers, which is necessary to be undertaken to ascertain the true result of the election, it would appear that the petitioner had obtained majority of valid votes and is entitled to be declared elected in place of Shri Laxmi Mall Singhvi. It has also been urged that one ballot-box of Bagar Middle School Polling Station in Jodhpur City I Assembly Constituency, was found without proper seal and therefore about 250 votes, which were cast in that box, were not counted in favour of any candidate, and that in case, after recounting and rescruity is undertaken, the difference between the valid votes secured either by the petitioner or the respondent No. 1 is found to be less than this figure, then it is desirable that repolling be ordered in the area covered by this polling station, so that the true position of votes secured by each candidate may be known.

The second ground taken in the petition is that the respondent No. 1 Shri L. M. Singhvi got printed and published bulletins—Chunao Tantra Bulletin No. 1, and Chunao Times Bulletins Nos. 2 and 3, containing serious allegations of facts which he believed to be false and did not believe to be true, against the personal character and conduct of the petitioner with a view to lower him in the assessment of the electorate and to prejudice his prospects of election; and further these bulletins were distributed by Shri L. M. Singhvi, his election agent, other agents and supporters including Shri Pashupati Nath Bhandari throughout the Jodhpur Parliamentary Constituency during election days upto 24th February, 1962, and thereby Shri L. M. Singhvi committed a corrupt practice under section 123(4) of the Representation of the People Act, 1951, and his election is required to be set aside on this score also.

It has been urged on these two main grounds that all the valid and invalid ballot papers be recounted and rescruity so that the real position of valid votes polled by each party be known and the true result of election be ascertained, that the petitioner be declared to have obtained majority of valid votes and after setting aside the election of Shri L. M. Singhvi—the respondent No. 1, the petitioner be further declared elected to the House of the People from Jodhpur Parliamentary Constituency, that the returned candidate Shri L. M. Singhvi and his election agents, who committed the corrupt practice, be disqualified under the provisions of the Representation of the People Act, 1951 (hereinafter referred as the Act), and that the costs of the petition be allowed to the petitioner.

Shri Laxmi Mall Singhvi refuted the above said allegations in his written-statement. He pleaded *inter alia* that there was no irregularity in counting and scrutiny of ballot-papers, nor valid votes cast for the petitioner were counted in his favour, and that the assertion that hundreds of valid votes received by the petitioner were improperly rejected as invalid votes, or that many invalid votes cast in his favour were incorrectly accepted as valid, was incorrect. He also urged that recounting and rescruity cannot be now claimed by the petitioner, and even if recounting and rescruity is ordered, still the petitioner is not likely to get majority of valid votes and is not entitled to be elected.

He also denied the charge of corrupt practice, and pleaded that the three bulletins specified in para 23 of the petition had not been got printed and published either by him or with his consent, nor they were distributed by him, his election agent, other agents and supporters, and the allegation in this respect was wholly untrue. Even otherwise these bulletins do not contain such allegations, which might cast a serious reflection on the personal character and conduct of the petitioner or were likely to lower him in the assessment of the electorate and prejudice his prospects of election.

He however admitted that the votes cast in one ballot-box of Bagar Middle School Polling Station had not been counted as it was not properly sealed, but asserted that the petitioner cannot claim repolling as the counting of such votes

was deferred on the very request of the petitioner. He also denied the assertion that 250 votes were cast in the ballot-box of this polling station.

Shri Singhvi also took a further plea that the petitioner was disqualified to stand as a candidate according to section 7(d) of the Act as his firm had subsisting contracts at the relevant time to supply jeeps etc., to the various departments of the Government of India and he gave their details in para 32 of his written-statement, and urged that the petitioner was not entitled to be elected on this score. He even raised an objection that the petition had not been presented within the prescribed period of limitation and was therefore liable to be rejected, and ultimately submitted that the petition be dismissed with costs.

Shri Pusharam-respondent No. 4 and Shri Jaluram-respondent No. 6 also filed separate written-statements and denied the allegations made in the petition, and prayed that it be dismissed. Shri Santosh Singh also appeared before the Tribunal, but did not file his written-statement and later on totally absented himself. The other respondents did not make appearance before this Tribunal in spite of service of notices and the trial of the petition was therefore ordered to proceed *ex parte* against them. Shri Jaluram too later on absented himself and did not take part in the subsequent proceedings.

In view of the pleading of the parties, the following issues were struck on 24th July, 1962:

(1) Whether the petitioner is entitled to get scrutiny, examination and recount of all the valid or invalid ballot-papers cast in favour of the petitioner and respondent No. 1 in view of the allegations made in para 5 of the petition?

(2) (a) Whether a good number of valid votes cast in favour of the petitioner were incorrectly rejected by the Returning Officer?

(b) Whether the invalid votes cast in favour of the respondent No. 1 had been improperly accepted by the Returning Officer as valid?

(c) Whether there was mistake in counting of votes in favour of the respondent No. 1? and

(d) If so, whether the petitioner had secured majority of valid votes and was entitled to be elected to the House of the People from Jodhpur Parliamentary Constituency in place of the respondent No. 1, Shri Laxmi Mall Singhvi?

(3) Whether the ballot box of Bagar Middle School Polling Station was without any proper seal, and were the votes cast therein not counted in favour of any candidate, and should there be re-polling from this centre?

(4) Whether the pamphlets, as described and mentioned in para 23 of the petition, were printed and published with the consent of the respondent No. 1 and were also distributed in his knowledge and under his direction?

(5) Whether these pamphlets (stated in para 23 of the petition) contain statements of serious allegations against the personal conduct and character of the petitioner, and were these allegations or statements false, or which the respondent No. 1 either believed to be false or did not believe to be true, and whether such allegations did prejudice the prospects of the election of the petitioner?

(6) Whether the allegations contained in paras Nos. 23 and 24 of the petition amount to a corrupt practice within the meaning of section 123(4) of the Representation of the People Act, 1951?

(7) Whether the allegations mentioned in para Nos. 23 and 24 of the petition lack in full particulars, and if so whether their trial cannot be undertaken?

(8) Whether the petition had not been presented within the prescribed time, and whether on this score, it is liable to be dismissed.

(9) Whether an enquiry can be undertaken for the allegations made by the respondent No. 1 in para No. 32 of his written-statement?

(10) If so, was the petitioner disqualified to stand as a candidate for the House of the People in view of the allegations mentioned in para 32 of the said written-statement and whether these allegations were correct?

(11) What should be the relief or reliefs?

The petitioner Shri N. K. Sanghi and the respondent No. 1 Shri L. M. Singhvi examined themselves as their own witnesses and did not produce any other witness. I heard the learned counsel of the parties to-day and proceed to give my findings on the said issues as Under:—

*Issues Nos. 1 and 2:—*These issues are inter-related and are being disposed of together. In view of the allegation of the petitioner that mistakes and irregularities were committed in counting and scrutiny of ballot-papers and that many valid votes received by him had been counted in favour of Shri L. M. Singhvi, and further hundreds of valid votes cast for him had been improperly rejected as invalid votes, while many invalid votes polled by Shri L. M. Singhvi had been incorrectly accepted as valid by the Returning Officer and thereby the result of the election was materially affected, this Tribunal, after hearing the parties, ordered the re-counting, examination and re-scrutiny of the valid and invalid ballot-papers cast in favour of Shri L. M. Singhvi and Shri N. K. Sanghi. Accordingly re-counting and re-scrutiny of valid and invalid votes was undertaken polling stationwise from 19th October, 1962, to 1st November, 1962, in the presence of Shri L. M. Singhvi and the petitioner Shri N. K. Sanghi and their learned counsel. Separate statements were also prepared of the invalid votes claimed to be valid by either party and also in regard to the valid ballot papers cast in favour of Shri N. K. Sanghi but found in the bundles of the valid ballot-papers of Shri L. M. Singhvi and vice-versa; even where mistakes were detected in counting of votes, separate proceedings were drawn. All these statements and proceedings have been signed by the parties or their learned counsel after verifying their contents.

From these statements it is very clear that Shri N. K. Sanghi—the petitioner had pointed out 133 ballot-papers cast in his favour, which according to him were valid but had been improperly rejected by the Returning Officer, while Shri L. M. Singhvi had sorted out 155 ballot papers which in his view should be regarded as valid though rejected as invalid at the time of counting of votes. However, Shri N. K. Sanghi has not shown any invalid ballot paper which had been improperly accepted as valid in favour of Shri L. M. Singhvi. It would thus appear that according to Shri N. K. Sanghi only 133 ballot papers cast in his favour have been improperly rejected as invalid.

So far as the allegation regarding mistakes in counting of votes is concerned, it has been found that mistakes were committed in counting of votes at three polling stations. In the Final Result Sheet of Luni Assembly Constituency, it has been mentioned that Shri L. M. Singhvi had received 220 votes while Shri N. K. Sanghi had obtained only 199 votes at the Bamor Darjiyan Polling Station No. 26, but on recounting of votes cast in favour of both these parties at this Polling Station, it had been noticed that Shri L. M. Singhvi polled only 170 valid votes and Shri N. K. Sanghi actually received 250 valid votes, and thus 51 valid votes had been counted less in favour of the petitioner. Further, in Bilara Assembly Constituency Shri L. M. Singhvi is shown to have received 37 valid votes in the Final Result Sheet at the Rajlani Polling Station No. 6, but on recounting it had been discovered that he only received 35 valid votes. In the packet of Umed Sanik Kanya Pathshala Polling Station No. 52 of the Jodhpur City I Assembly Constituency, two valid ballot-papers cast in favour of Shri N. K. Sanghi at the Sumer High School Polling Station No. 2 were found, and it appears that these two valid votes were not counted in favour of the petitioner. No other mistake in counting of votes has been pointed out. It is therefore evident that 51 plus 2 i.e., 53 valid votes cast for Shri Sanghi have been shown less in the Final Result Sheets and this much of number of votes should have been added to the total number of valid votes polled by the petitioner.

It may be also stated here that at the time of re-counting and re-scrutiny it was found that 26 valid ballot-papers, which were cast in favour of Shri N. K. Sanghi had been found in the bundles of valid ballot-papers of Shri L. N. Singhvi, and 48 such valid ballot papers cast in favour of Shri Laxmi Mall Singhvi had been recovered from the various bundles of valid ballot-papers of Shri N. K. Sanghi. Separate statements and one consolidated statement in this respect had also been prepared, which were duly signed by both the parties or their learned counsel. It seems that these votes had been counted in favour of the parties in whose bundle they were found, but had not been counted in favour of the parties for which they should have been counted. Now, if these 48 votes are added to the total number of valid votes secured by Shri L. M. Singhvi, then this much of votes will have to be subtracted from the total number of valid votes obtained by Shri N. K. Sanghi. Similarly, 26 valid votes have to be added to the total number of valid votes received by Shri N. K. Sanghi and similar number of votes

will have to be reduced from the total number of votes of Shri L. M. Singhvi, and thus the result on readjustment would be that Shri L. M. Singhvi would get 22 votes more than he has been shown to have polled in the Final Result Sheet, while the number of total valid votes secured by Shri N. K. Sanghi would be reduced by 22 votes.

It is clear from the Final Result Sheet that Shri L. M. Singhvi had obtained in all 113445 valid votes while Shri N. K. Sanghi had polled only 111811 votes, and this fact has also been mentioned in para 3 of the election petition. Therefore, there was evidently difference of 1634 votes between them. However, even if 133 ballot-papers which the petitioner alleges to have been improperly rejected as invalid and also 53 votes which were counted less in his favour as said above, are added to the valid votes secured by him, still after reducing 22 votes as said in the preceding paragraph, the total number of his valid votes would be only 111975, and there would remain a difference of 1420 valid votes even after deducting 50 votes secured less by Shri L. M. Singhvi at Bambar Darjiyan Polling Station, and if 20 valid votes of Shri L. M. Singhvi (after deducting 2 votes of Rajlam Polling Station as pointed above) are added to this figure, then Shri Singhvi would be still leading by 1440 valid votes. In the matter, the petitioner cannot claim to have received majority of valid votes and is not entitled to be declared elected to the House of the People from the Jodhpur Parliamentary Constituency, and his contention in this regard should fail. I accordingly answer these issues.

Issue No. 3.—It is an admitted fact of the parties that one ballot-box of the Begar Middle School Polling Station was not properly sealed and therefore the votes cast in favour of the candidates were not counted. In the petition it has been mentioned that 250 ballot-papers were cast in this box, but on taking account of ballot papers issued at this polling station in the presence of the parties, it has been found that only 137 votes were cast in this ballot box. It is difficult to say how many votes were obtained by the petitioner and what number of votes were secured by Shri Laxmi Mall Singhvi out of this total number of 137 ballot papers. However, even if it be assumed for a moment that all these votes were cast in favour of Shri N. K. Sanghi, still the majority of valid votes would be held to have been polled by Shri L. M. Singhvi. Therefore no repolling is required to be ordered, and the learned counsel of the petitioner has rightly given up and not pressed this prayer at the time of arguments. This issue is accordingly answered against the petitioner.

Issues Nos. 4, 5 & 6.—It has been the allegation of Shri N. K. Sanghi that the Chunao Tantra Bulletin No. 1 and Chunao Times Bulletins Nos. 2 & 3 (*vide* Annexures D, E and F) were got printed and published by Shri L. M. Singhvi or with his consent, and that these bulletins contain serious allegations of facts against the personal character and conduct of the petitioner, which this respondent believed to be false and did not believe to be true. It is his further allegation that they were distributed by Shri Singhvi, his election agent, other agents and supporters throughout the Constituency during election days with a view to lower the petitioner in the assessment of the electorate and to prejudice the prospects of his election. However, there is no evidence on record to prove this charge. Shri N. K. Sanghi has of course examined himself as his own witness, but he has not said that these bulletins were got printed and published by Shri L. M. Singhvi or they were printed and published by others with his consent. He has also not stated that they were distributed by this respondent, his election agent, other agents and supporters in the Jodhpur Parliamentary Constituency during election days, or that these bulletins contain serious allegations against his personal character or conduct and on account of their distribution he could secure less votes as compared with Shri L. M. Singhvi. No other witness has even been examined by the petitioner to prove this allegation.

Shri L. M. Singhvi, on the other hand, entered the witness box and deposed on oath that these three bulletins were not got printed and published either by him, or with his consent by any other person or persons, nor they were distributed by him, his election agent, or other agents and supporters as alleged, and he has not been cross-examined in the least by the petitioner or his learned counsel in this respect. If any other person or persons got them printed and distributed without the consent or connivance of Shri L. M. Singhvi, the latter cannot be made responsible for their printing and publication.

In the matter, when Shri L. M. Singhvi has refuted this allegation and the petitioner has failed to prove his assertion, it has to be held that this charge has not

been proved, and Shri L. M. Singhvi cannot be said to have committed any corrupt practice within the meaning of section 123 (4) of the Act. These issues are also answered against the petitioner.

Issue No. 7.—This issue was decided by this Tribunal on 4th August, 1962 by a separate order (Annexure 'A').

Issue No. 8.—It had been the objection of Shri L. M. Singhvi that this election petition had not been filed within the statutory period of 45 days and it should therefore be dismissed on this very ground. It is evident that Shri L. M. Singhvi was declared elected on 1st March, 1962, while the petition was presented on 16th day of April, 1962. However, during arguments when Shri L. M. Singhvi was pointed out that the 15th day of April, 1962 was Sunday holiday, he gave up this objection and did not press it. In my view also the present election petition had been filed before the Election Commission of India in time, and this issue is decided accordingly.

Issues Nos. 9 and 10.—Issue No. 9 had already been decided by this Tribunal on 19th September, 1962 by a separate order (Annexure 'B') and it had been held that as Shri L. M. Singhvi had not filed any recrimination under section 97 of the Act, no inquiry regarding the allegations made by him in para 32 of his written-statement could be undertaken. Therefore, in view of this decision it has to be concluded that Shri N. K. Sanghi the petitioner was not disqualified to stand as a candidate for the House of the People. These issues are also answered against the respondent Shri L. M. Singhvi.

Issue No. 11.—It would thus appear from the above discussion that the allegation regarding corrupt practice has not been established by the petitioner, and therefore, Shri Laxmi Mall Singhvi cannot be held to have committed any corrupt practice within the meaning of section 123(4) of the Act and no orders are required to be passed against him or his election agent as prayed for under section 99(1) of the Act. It has also been found, after recounting and rescruity of valid and invalid votes, that Shri Narendra Kumar Sanghi had obtained much lesser number of valid votes than polled by Shri Laxmi Mall Singhvi, and as the latter had secured highest number of valid votes, he had been rightly declared elected to the House of the People. In the matter, the election of the returned candidate cannot be set aside and this petition should fail.

The election petition is dismissed accordingly and Shri Laxmi Mall Singhvi—the respondent No. 1 is allowed Rs. 250/- as costs from the petitioner.

Pronounced in open court on this the third day of November, 1962.

(Sd.) R. L. MEHTA, 3-11-62.
Member, Election Tribunal, Jodhpur.

ANNEXURE 'A'

IN THE COURT OF SHRI ROSHANLAL MEHTA, MEMBER, ELECTION
TRIBUNAL, JODHPUR (RAJASTHAN).

Shri Narendra Kumar Sanghi, son of Shri Moti Lal Sanghi, Resident of
Jodhpur.

Vs.

Shri Laxmi Mall Singhvi and five others.

ELECTION PETITION NO. 303 OF 1962 (MISC. CASE NO. 59A/1962)

ELECTION PETITION UNDER SECTION 81 OF THE REPRESENTATION OF THE PEOPLES ACT,
1951.

Date of Order:

August 4, 1962.

Present:

Shri B. K. Mohanani for the petitioner.

Shri Laxmi Mall Singhvi respondent No. 1.

Shri Ramnarayan for respondent No. 4.

Shri Gopaldas for respondent No. 6.

ORDER

Shri Narendra Kumar Sanghi has filed this election petition calling in question the election of their respondent No. 1—Shri Laxmi Mall Singhvi to the House of People from Jodhpur Parliamentary Constituency on certain grounds. One of the allegations mentioned in the petition, is that Chunao Tantra-Bulletin No. 1 and Chunao Times-Bulletins Nos. 2 and 3, containing the allegations against the personal character of the petitioner, were published and distributed by the respondent No. 1, his agents and supporters to lower him in the assessment of the electors and to prejudice his prospects of election. Shri Singhvi refuted all the allegations and particularly this charge of publishing and distributing of the Bulletins, and further pleaded that this charge was vague, indefinite and lacked in certain particulars. Issues were framed on 24th July 1962 having regard to the pleadings, and as issue No. (7) relates to the preliminary objection raised by Shri Singhvi, the parties desired that the Tribunal should give its finding whether particulars are lacking or not. I have therefore heard their learned counsel in regard to issue No. 7. This issue is in these terms:

“(7) Whether the allegations mentioned in paras Nos. 23 and 24 of the petition lack in full particulars, and if so whether their trial cannot be undertaken?”

In order to decide this issue, it is necessary to reproduce paras 23 and 24 of the petition, and they are as follows:

“23. That the respondent No. 1, his election agent, his other agents and supporters including Shri Pushpati Nath Bhandari, Ghoron Ka Chowk, Jodhpur (Election Expert Committee) with the consent of respondent No. 1 got published and distributed from time to time the following pamphlets to the voters in the entire Parliamentary constituency during the days of election in large numbers till 24th February 1962.

(a) CHUNAO TANTRA Bulletin No. 1 published by Neta Nirman Sangh and printed at Navyug Press, Jodhpur with caption as under:

‘Kala Bazari ka khanjar hie Shri N. K. Sanghi congressi ticket ke davedar hai’ vide Annexure ‘D’.

(b) CHUNAO TIMES Bulletin No. 2 published by Election Expert Committee and printed at Navyug Press, Jodhpur with caption as under:

‘Dimag aur daulat ka sangharsh’ vide Annexure ‘E’.

(c) CHUNAO TIMES Bulletin No. 3 published by Election Expert Committee and printed at Navyug Press, Jodhpur with caption as under:

‘Agarwalon ne sanghiji ke khairat ko thukra diya’ vide Annexure ‘F’.

That in the said pamphlets, serious allegations of fact against the personal conduct and character of the petitioner were levelled and that the said allegations or statements were false which they either believed to be false or did not believe to be true and the main purpose of the said statements was to lower the petitioner in the assessment of the electorate and to prejudice the prospects of the petitioner's election.

24. That without prejudice to the generality of the submission made in the above paragraph, the petitioner submits such of the particular passages and that the said passages contain extremely serious allegations against the petitioner and the said allegations are absolutely false. Such passages are given in the schedule annexed hereto.”

It is contended by Shri Singhvi that though material particulars have been stated in these paras, but they lack in certain particulars inasmuch as—(a) the dates of publication of the Bulletins as well as the names of the publishers have not been given, (b) that the names of the persons, who distributed these Bulletins, have not been stated and (c) that place or places where they were distributed and the dates, on which they were distributed, have not been mentioned. He

argued that according to section 83(1) (b) of the Representation of the Peoples Act (hereinafter referred as the Act), it was necessary to have given these particulars or details, and as the petitioner has failed to mention them, the whole charge is required to be struck off, or at any rate the petitioner should not be allowed to lead evidence in regard to the above said matters for which details and particulars have not been given. He relied in support of his contention on the authorities reported in A.I.R. 1958 M.P. 237, A.I.R. 1958 M.P. 168, 22 E.L.R. 273, 22 E.L.R. 206 and A.I.R. 1961 Allahabad 356.

As against this, the learned counsel of the petitioner submitted that the plea taken by the respondent No. 1 is not correct. He urged that giving of particulars and details differs according to the nature of each charge, and that so far as this particular charge of corrupt practice is concerned, all the particulars necessary for the trial or for preparing a valid defence, have been stated in these two paras as far as known to the petitioner. He also contended that even according to section 83(1)(b) of the Act, particulars cannot be said to be lacking or vague in any manner. He also referred to the authorities reported in A.I.R. 1959 Madras 228, 19 E.L.R. 206, 10 E.L.R. 122, A.I.R. 1961 Raj. 122, 21 E.L.R. 247, 21 E.L.R. 1, 22 E.L.R. 273, 12 E.L.R. 461 and certain observations appearing in Halsbury's Laws of England (14th Vol.) at pages 276 and 278. in support of his arguments.

Now, section 83(1)(b) of the Act, which is relevant, reads:

“83-(1) An election petition

(a)

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed some corrupt practice and the date and the place of the commission of each practice; and

This sub-section is practically the re-production of the old section 83(2) as it stood before the amendment of 1956. That section 83(2) was considered by their Lordships of the Supreme Court in the case of Bhikaji Keshav Joshi and another Vs. Brijlal Nandlal Biyani and others (A.I.R. 1955 S.C. 610), and they observed:

“Section 83(2) requires not only what may reasonably be considered ‘full particulars’ having regard to the nature of each allegation, but enjoins in terms that the following particulars should also be given: (1) Names of the parties alleged to have committed the corrupt or illegal practice, (2) The date of the commission of each such corrupt practice, (3) The place of commission of each such corrupt or illegal practice. There can be no reasonable doubt that the requirement of ‘full particulars’ is one that has to be complied with, with sufficient fullness and clarification so as to enable the opposite party fairly to meet them and that they must be such as not to turn the enquiry before the Tribunal into a rambling and roving inquisition.”

Their Lordships of the Supreme Court further had occasion to observe in Balwan Singh Vs. Lakshmi Narain and others; 22 E.L.R. 273 that insistence upon full particulars of corrupt practice is of paramount importance in the trial of an election petition and is intended to avoid surprise to the opposite party and manipulations and developments on the case as originally presented. Thus it is clear that it is necessary for the petitioner to set forth as full a statement as possible in regard to (a) the names of the parties alleged to have committed a corrupt practice, (b) the date of the commission of such corrupt practice and (c) the place of commission of the corrupt practice, and if he fails to do so, the charge of corrupt practice would be said to be lacking in full particulars.

In the back ground of this law, it has now to be considered how far the objections of Shri Singhvi are valid. With respect to the first objection stated above, it may be observed at once that the names of the publishers and printers have been given in all the three Bulletins—Chunao Tantra Bulletin No. 1 and Chunao Times Bulletins Nos. 2 and 3, at the foot. In Chunao Tantra Bulletin No. 1 the words ‘N.P. Jodhpur’ appear and they obviously mean Navyug Press Jodhpur. It has even been stated in para 32 of the petition that this bulletin

was printed in this Navyug Press, Jodhpur. It has further been printed in the Bulletin itself "Neta Nirman Sangh dwara prakashit bulletin No. 1". In the other two Bulletins, it has also been printed at the foot "Election Expert Committee dwara prakashit aur Navyug Press Jodhpur me mudrit". Therefore, it cannot be urged that the names of publishers and the printing presses have not been given. It is even stated in para 23 of the petition that these bulletins were published at the instance of the respondent No. 1. Consequently, where the Bulletins themselves give these particulars and they have further been mentioned in para 23 of the petition, it is idle to contend that a full statement of particulars as possible has not been given in regard to them.

It is true that the dates of their publication have not been given in the petition, nor in the Bulletins, but on this score there can be no ambiguity or doubt even in the mind of the respondent No. 1—Shri Singhvi as they must have been printed and published during election days, and there can be no purpose or sense in printing and publishing them after the election days. It has also been stated in para 23 of the petition that these Bulletins were published and distributed during election days. Consequently, there cannot be any uncertainty about the period of their publication and printing. Further, it is not possible for the petitioner to know the exact date or dates of their printing as they are in the special knowledge of the printers and publishers. It be noted that particulars, which are required to be given by the petitioner, are subject to the qualification "as possible" appearing in sec. 83(1)(b) of the Act. Therefore, when the date or dates cannot be in the knowledge of the petitioner, and it is even submitted before this Tribunal that they are in fact not in the knowledge of the petitioner, he is not bound to give the dates of their printing. The reason behind giving particulars is that the respondent may be able to meet the charge and prepare his defence and there may also not be a roving and rambling inquisition. Therefore, when it has been specifically mentioned in the petition that they were printed and published during election days, it cannot be said merely on the score that the dates have not been given, that this corrupt practice lacks in particulars in this respect. Their Lordships of the Supreme Court have also observed in the case of *Balwansingh Vs. Lakshmi Narain and others*; 22 E.L.R. 273 that where a particular fact is within the special knowledge of the other party, it is not necessary to set out the particulars of that fact in the election petition, and the petition cannot be exposed to a penalty of dismissal if those particulars could not be given. In the matter, I find no force in this objection.

Coming to the second and the third objections stated above, it is the contention of Shri Singhvi that the names of the places and the dates when the Bulletins were distributed among the voters have not been given, nor the names of the agents and supporters, who distributed them, have been specified in the petition. I think, when it has been stated in para 23 of the petition that they were distributed in the entire constituency during election days upto 24th February 1962, there was and is no need to specify the place or places and the dates, because there remains no ambiguity in these respects, and further the respondent No. 1 is not likely to be prejudiced in any manner in preparing his defence even if the place or places or dates have not been specified. Therefore, this objection (c) has no substance.

However, there is some force in the contention that the names of the other agents and supporters have not been mentioned in the petition. Section 83(1)(b) of the Act re-produced above clearly provides that "as full a statement as possible of the names of the parties alleged to have committed a corrupt practice....." should be given. These agents and supporters were alleged to have committed a corrupt practice by distributing the Bulletins, and therefore it was necessary to have given their names as far as it was possible for the petitioner, as without their names being supplied, it is not possible for the respondent No. 1 to ascertain whether the persons responsible for their distribution were all, or some of them, or any one of them, his agents and supporters or not, and even it would be difficult for respondent No. 1 to prepare his valid defence, and further the absence of such particulars may also result in a roving and rambling inquisition before the Tribunal.

The learned counsel of the petitioner has of course referred me to the case of *Inderlall Vs. Lalsingh Mukundsingh and others*; A.I.R. 1961 Rajasthan 122, and contended that it is not necessary, in view of this authority, to specify the names of the agents and supporters who distributed the Bulletins. It is true that such

an objection was raised in that case, and their Lordships repelled it with the following observations:

"It has been observed that the petitioner has not definitely stated the places where these bulletins were circulated and distributed, the time when they were circulated and the persons who did so. Even in the replication filed by the petitioner, it is said, the particulars regarding the agents of respondent No. 1 and the places outside Chittor where those bulletins were distributed were not given, though in evidence the petitioner appears to have mentioned those details.

We do not think that the criticism is altogether justified. It is true that under S.83 of the Act the particulars of the corrupt practice alleged and the persons responsible therefor should be given as accurately as possible. The law contemplates that as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice should be mentioned.

In this case, however, we feel that the material particulars have been given, though all the names of the persons who may have gone about distributing the leaflets in the various localities were not mentioned. The responsibility for the publication has been assigned to the Publicity Secretary of the Nagar Congress Committee and those connected with the organisation which had sponsored the candidature of the respondent Lalsingh, namely the local Congress organisation.

Therefore, it cannot be said that under section 83 of the Act the particulars mentioned in the petition were vague. In any case, it does not appear that the respondent has been in any manner prejudiced by not mentioning all the names of the persons responsible for the circulation of the pamphlets in the petition, nor does it appear that he insisted on further particulars."

It would thus appear that their Lordships had not laid down that it was not necessary to give the names of the agents and supporters, who distributed the pamphlets for prejudicing the election of the respondent. They rather did not consider the objections valid as in their opinion the details regarding the names of the agents, who distributed the pamphlets and the places where they were distributed, had been stated in the statement of the petitioner and there was no prejudice to the respondent, and further the respondent did not insist for supply of full or further particulars in that regard at the proper time. These observations were made when the evidence had been led by both the parties and decision had been given by the Tribunal. Perhaps, their Lordships while discussing these contentions kept in view the authority of the Supreme Court in *Balwansingh Vs. Laxminarain* and others; 22 E.L.R. 273, wherein it has been observed that "Insistence upon full particulars of corrupt practice is undoubtedly of paramount importance in the trial of an election petition, but if the parties go to trial despite the absence of full particulars of corrupt practices, and the evidence of the contesting party is led on the plea raised by the petitioner, the petition cannot thereafter be dismissed for want of particulars because the defect is one of procedure and not one of the jurisdiction of the Tribunal to adjudicate upon the plea in the absence of the particulars." In the matter, this authority of the Rajasthan High Court is not helpful in this case as the respondent No. 1 has raised the objections at the earliest opportunity and before the recording of the evidence has commenced and also with a view to prepare his valid defence. The learned counsel of the petitioner has also referred me to other authorities cited above, but it is not necessary to consider them in details as the proposition laid down in them is the same. It is also not possible to assume that the petitioner is not aware of the names of at least some of the agents and supporters, who were responsible for the distribution of such Bulletins; and I think it is not at all difficult for him to give out their names as far as possible. Therefore, in my opinion, the particulars regarding the names of the agents and supporters are lacking.

My conclusion is that the material and other particulars of this corrupt practice, which falls within the purview of section 123(4) of the Act, have been given in the petition except that the names of the agents and supporters, who were responsible for distribution of the bulletins, have not been stated, and that

it was necessary for the petitioner to have supplied them. In view of this finding, this charge of corrupt practice cannot be struck off as a whole. The petitioner, if he chooses, can still apply for leave to file a statement of their names as far as known to him, and in case he fails to do so, he would not be permitted to lead evidence in regard to such agents and supporters.

Shri Singhvi—the respondent No. 1 has, however, argued that this Tribunal cannot give any opportunity or time to the petitioner to apply for filing a statement of the names of such agents and supporters because such a course is not permissible under the Act after the amendment of 1958, and it is for the petitioner to apply to the Tribunal by a separate application, if he so likes, for amendment of the petition or for amplification of particular already given. He relied in support of his contention on the authorities reported in A.I.R. 1958 Madhya Pradesh at pages 168 and 237.

No doubt, the Madhya Pradesh High Court has taken the view that it is not the business of the Tribunal to *suo-moto* give an opportunity to the petitioner to amend the petition or to amplify certain particulars stated in the petition, and it should be left to the petitioner to apply by a separate application for such purpose, and if the Tribunal thinks it correct, that prayer may be allowed. However, their Lordships of the Supreme Court in Balwansingh's case (22 E.L.R. 273) decided in 1950, have observed that a Tribunal cannot dismiss an election petition, nor it can strike off a charge *in limine*, but where the Tribunal finds that the objection regarding lack of particular or particulars is valid, it should give an opportunity to the petitioner to apply for leave to amend or amplify the particulars of the corrupt practice alleged, and in the event of non-compliance with that order, the Tribunal can strike off the charge which remains vague. Therefore, in view of this authority of the Supreme Court, the dictum laid down by the Madhya Pradesh High Court cannot be followed, and the petitioner has to be given an opportunity to apply for leave to amplify particulars which have been found lacking. In the matter, the objection of Shri Singhvi is not valid, and this Tribunal is within its powers, even after the amendment of the Act, to give such an opportunity to the petitioner.

In the result, I answer this issue as aforesaid, and give an opportunity to the petitioner to apply for leave for giving particulars of the names of the agents and supporters responsible for distribution of the bulletins, if he so likes, within a week's time.

Pronounced on 4th day of August, 1962.

Sd./- R. L. MEHTA,

Member,

Election Tribunal, Jodhpur.

ANNEXURE 'B'

IN THE COURT OF SHRI ROSHAN LAL MEHTA, MEMBER, ELECTION TRIBUNAL, JODHPUR

Shri Narendra Kumar Vs. Shri Laxmi Mall Singhvi & Others.

Election Petition No. 303 of 1962 (Misc. Case No. 59A/62).

Date of Order:

September 19, 1962.

PRESENT:

Shri B. K. Mohanani and Shri C. L. Agarwala for the petitioner.

Shri Laxmi Mall Singhvi and his learned counsel Shri Lekhraj.

Shri Ramnarayan for the respondent No. 4.

Shri Gopal Dass for the respondent No. 6.

ORDER

Shri Narendra Kumar Sanghi has filed this petition challenging the election of the returned candidate Shri Laxmi Mall Singhvi from Jodhpur Parliamentary Constituency, on the basis of certain allegations as detailed in the petition, and has prayed that after setting aside the election of Shri Singhvi, he be declared elected instead. Shri Laxmi Mall has filed his written-statement and refuted all the allegations and charges. He also averred in para 32 of the written-statement

that Shri Sanghi cannot claim to be declared elected as he was disqualified to be chosen as, and for being a member of the Parliament because he had subsisting contracts to supply goods etc., to the appropriate Government at the time of the filing of his nomination paper, and has also given details of such contracts. In replication Shri Sanghi has stated that he had not entered into any such contracts with any Government and the allegation was wrong. He further alleged that such an allegation of disqualification cannot be enquired into by the Tribunal, nor any evidence can be allowed to be led on this point as no recrimination had been filed by Shri Singhvi under section 97 of the Representation of the People Act, 1951 (hereinafter referred as the Act), nor security amount had been deposited as required by law. Shri Singhvi, on the other hand, contended that even if he had not filed any recrimination, still he can raise such an allegation or objection in his written-statement and there is no bar to do so. In view of these pleadings and contentions, issue No. 9 was struck as follows:

“(9) Whether an enquiry can be undertaken for the allegations made by the respondent No. 1 in para 32 of his written-statement?”

The parties had desired that this preliminary issue be decided first before evidence is led in the case, and I have therefore heard their learned counsel at some length.

It is an admitted fact of Shri Singhvi that he had not filed any recrimination as contemplated by section 97(1) of the Act. He, however, contends that even without filing a recrimination, he has a right in law to challenge the claim of Shri Sanghi to be declared elected, by raising an independent allegation in his written-statement that Shri Sanghi was disqualified within the meaning of section 7(d) of the Act to stand as a candidate and is also entitled to prove so by leading evidence. This right is refuted by the petitioner. Therefore, it has to be decided whether Shri Singhvi has a right in law to raise and take such an allegation of disqualification in his written-statement independently and without filing a recrimination under section 97(1) of the Act?

Having considered the arguments, I am of the view that Shri Singhvi cannot raise such an independent allegation in his written-statement, except by way of a recrimination under section 97(1) of the Act, and even if he has raised such a point in his written-statement, that cannot be considered at all. The reason is that a written-statement is filed in reply to the charges and allegations made in an election petition, and therefore a respondent can take only those points and grounds in his written-statement by way of defence and reply, which arise out of, and have relation to the charges and allegations made in the election petition with a view to refute them and to support his election; but he cannot raise and take a new point which is in fact a counter-charge or allegation on the basis of which the election of a candidate can be set aside. No doubt, it has been claimed in the present case by Shri Sanghi that he be declared elected after setting aside the election of Shri Singhvi, but there is no allegation in the election petition that his nomination paper had been rejected by the Returning Officer improperly, on the ground of disqualification as mentioned in section 7(d) of the Act. Clearly, therefore, the ground taken by Shri Singhvi in para 32 of his written-statement is a new ground of attack and does not arise from the pleading or the allegations made in the petition. In the matter, when it is a new ground to challenge the claim of Shri Sanghi, it cannot be raised in a written-statement, but only by filing a recrimination, because so far as this new allegation is concerned, the position of the respondent is that of an accuser or a petitioner and such an allegation cannot be taken by way of defence. That is why, the Legislature has provided section 97 in the Act so that if the respondent desires to raise such a new and independent objection, in a case where the petitioner claims to be elected after declaring the election of the returned candidate void, he can do so by way of recrimination. This section 97 provides that when in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been a returned candidate and a petition had been presented calling in question his election. The Legislature clearly, therefore, intended by making this provision in the Act that in case the returned candidate desires to refute the claim of the petitioner to be declared elected on any ground of disqualification which does not arise out of the allegations made in the petition, he should file a recrimination in the manner provided by section 97 and then he can lead evidence to prove that allegation raised by him. It follows, therefore, that no such new allegation is permitted in law to be taken in a written-statement, and if

taken, cannot be enquired into unless it is raised and taken by way of a recrimination. Consequently, keeping in view the provisions of section 97 read with section 100(a) of the Act, I am clearly of the opinion that such an allegation of disqualification, as taken in para 32 of the written-statement by Shri Singhvi, cannot be enquired into as he has not filed any recrimination, and he also cannot lead any evidence to prove it.

The learned counsel of Shri Singhvi has referred me to the authority of *Badri-vishal Pillai Vs. Narsing Rao*: A.I.R. 1959 And. Pra. 116 in support of his assertion. In that case the nomination of the petitioner was rejected by the Returning Officer on the ground of disqualification after considering and upholding some of the objections raised by the agent of the respondent. Thereupon, the petitioner brought an election petition and urged that the rejection of his nomination paper was improper. The respondent refuted this assertion in his written-statement and further took some more grounds other than those considered by the Returning Officer for rejection of the nomination, to show that in reality the petitioner was disqualified to stand as a candidate and the rejection of his nomination was correct. Thereupon the petitioner objected that such further grounds other than those considered by the Returning Officer, cannot be taken in the written-statement. Their Lordships negatived this contention and observed that:

"When once a ground is taken that a candidate is disqualified, it would be permissible to urge all other grounds as may be available before the Tribunal when the question of disqualification or otherwise of the candidate comes up for further scrutiny, since a returned candidate has merely claimed to support his election."

Therefore, the law that has been laid down is that where there is an allegation in the petition itself that the petitioner's nomination paper was improperly rejected, a respondent can take and raise such objections which may show that the petitioner was really disqualified to stand as a candidate and the rejection of his nomination was proper because such objections are raised by way of a defence and to support his own election. This authority is not for the proposition that a returned candidate or a respondent has a right under the Act to raise an objection in his written-statement regarding disqualification of the petitioner without filing a recrimination even if such an objection does not arise out of and have no relation what-so-ever to the grounds alleged in the election petition but is independent of such grounds or allegations. Indeed, there was no such point to be considered before their Lordships. It may be observed for the sake of clarity that if there would have been an allegation in the present election petition that the petitioner's nomination paper was improperly rejected, surely an objection that Shri Sanghi was disqualified to be a returned candidate, could have been taken in a written-statement because such an objection then would have been by way of a defence and not as a counter-charge. But this is not the position before me. Therefore, this authority is of no assistance to uphold the assertion of Shri Singhvi.

It has then been argued by the learned counsel of Shri Singhvi that section 97(1) is confined to allegations of corrupt practices and does not cover the objection regarding disqualification of the petitioner. In other words, he contends that the plea that a petitioner is disqualified to stand as a candidate does not fall within the ambit of section 97(1) of the Act and therefore it is not necessary to file a recrimination, but such an objection can be taken and raised in a written statement. Reliance has been placed on 22 E.L.R. 47 in support of this assertion.

I do not think that this contention is sound. There is nothing in the phraseology of section 97(1) that an allegation or an objection regarding disqualification of a petitioner, as raised by Shri Singhvi in para 32 of his written-statement, cannot be taken in a recrimination. Section 97 and section 100 (a), which are relevant in this respect, read as follows:

S.97: "(1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the Tribunal of his intention to do so and has also given the security and the further security referred to in sections 117 and 118 respectively,

- (2) Every notice referred to in sub-section (1) shall be accompanied by the statement and particulars required by section 83 in the case of an election petition and shall be signed and verified in like manner."

S.100(a) "(1) Subject to the provisions of sub-section (2), if the Tribunal is of opinion—

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act; or.....

the Tribunal shall declare the election of the returned candidate to be void."

A reading of section 100(a) shows that the election of a returned candidate can be challenged on the ground that he was not qualified or disqualified to be chosen under the Act and section 80 provides that if the election of a returned candidate is to be called in question, it can be done only by presenting an election petition. Section 97 lays down that if in an election petition a petitioner claims to be declared elected after setting aside the election of a returned candidate, the returned candidate or any other party can challenge such a claim by filing a recrimination on any of the grounds on which the election of the petitioner could have been declared void had he been the returned candidate and an election petition had been presented calling in question his election. Therefore, when the election of the returned candidate can be called in question on the ground of disqualification by presenting an election petition, it obviously follows that a returned candidate as a respondent can also include and raise objection in a recrimination by virtue of section 97 that the petitioner cannot claim to be elected because of a certain disqualification. The Legislature intended by providing section 97 that where a petitioner claims to be declared elected, all new and independent objections and grounds on which such a claim can be defeated, should be taken by means of a recrimination. The object behind enacting this section was also to avoid multiplicity of election petitions. Consequently, I find that an objection regarding the disqualification of a petitioner for being chosen as a member of the House of the People can be raised in a recrimination.

The authority reported in 22 E.L.R. 47 does not lay down the rule that an objection regarding the disqualification of a petitioner cannot be included in a recrimination. In that case an election petition was filed by the petitioner challenging the election of the respondent on the ground of corrupt practices and it was also prayed that he be declared elected instead. The respondent denied the allegations of corrupt practices and further urged that his votes were improperly rejected and some of the votes of the petitioner were improperly accepted and on scrutiny it would be found that he secured the highest number of votes and as such the claim of the petitioner that he be declared elected, cannot be sustained. The question arose whether such a further plea should have been raised by means of a recrimination, or can be only taken in a written statement. Their Lordships observed:

"Sub-section (1) permits the returned candidate to give evidence to prove that the election of the petitioner or the other person mentioned in the sub-section would have been void if he had been the returned candidate and a petition had been presented calling in question his election. It is easy to apply the provisions of the sub-section to a case where the returned candidate pleads that the petitioner in the election petition or the other person mentioned in the sub-section had committed acts of corrupt practice. But the wording of the sub-section may not include within its ambit the plea that the result of the election had been materially affected by the improper reception, refusal or rejection of any vote. The wording of the sub-section is ambiguous and if a wide interpretation is given to it, it might include within its ambit the plea of the nature, mentioned above. But when reading it with section 100 and section 101 of the Act, it appears that the better interpretation would be that section 97(1) does not include within its ambit the plea by the returned candidate that the election of the petitioner was void, because the result of the election had been materially affected by the improper reception, refusal or rejection of votes."

What their Lordships therefore laid down was that in view of section 100 and section 101 read together, such a further plea was outside the scope and ambit of section 97 of the Act, and could be raised without filing a recrimination. They only observed by the way and to illustrate their view that it is easy to apply the provisions of sub-section 97(1) to a case when the returned candidate pleads that the petitioner had committed a corrupt practice and on that score was not entitled

to be elected. They have nowhere specifically said and laid down the rule that even where an independent plea or objection regarding the disqualification of a petitioner has been raised in a case in which the petitioner claims to be elected, no recrimination is required to be filed or such a plea of disqualification is outside the ambit of section 97 and could be raised in a written-statement. Indeed, no such point as is before me cropped up before them, nor they gave decision on this point. In the matter, this ruling is not helpful to uphold the objection of Shri Singhvi.

It is now urged by the learned counsel that if it were to be held by this Tribunal that without filing a recrimination, such an independent and new objection regarding the disqualification of the petitioner cannot be taken and enquired into, then it would result in an anomaly inasmuch as if after trial Shri Sanghi is declared elected, then he would sit as a member of the Parliament even though he is disqualified to be chosen according to section 7(d) of the Act, because in such a case he cannot be also removed or unseated by the President of India under Article 102 of the Constitution. Therefore, at least to maintain the purity of election his client be permitted to lead evidence to prove such an allegation, or at any rate the Tribunal should undertake enquiry in this regard in exercise of its inherent powers.

In my opinion, this argument too is not sound to allow Shri Singhvi to lead evidence to prove the alleged disqualification. The Legislature has given an ample opportunity and a right to a returned candidate to challenge the claim of a petitioner to be elected, on the basis of a disqualification by filing a recrimination within the prescribed time and in a manner laid down in section 97 of the Act, and if he files a recrimination and proves the allegation of disqualification, then in that case the petitioner would naturally not be elected. In this way, the Legislature has provided sufficient safeguard to maintain the purity of election, and if a returned candidate promptly takes the above said action in a lawful manner, there would arise no occasion for such an anomaly as urged. But when no recrimination is filed, where it is essential to raise an objection of disqualification only by way of recrimination, how can a Tribunal hold that the petitioner was disqualified to be chosen. Whether a person is disqualified or not is a question of fact and that can be determined by some evidence, but evidence can only be allowed to be led where the allegation or the objection on the basis of a disqualification is brought before a Tribunal in a way and in the manner provided by law. It is the primary duty of a returned candidate to be vigilant and file a recrimination wherever it is required to be filed, so that proper enquiry be made, but where he had not cared to do so, how can he complain and say that the petitioner was disqualified to be chosen. No person can be said to be disqualified when there is no legal proof of his disqualification on the record. Now, when in the absence of a recrimination no evidence can be led, it would be obviously held that the petitioner is qualified and he could be elected if he is otherwise entitled to be elected, and when elected, he would naturally sit in the Parliament as a qualified member because there is no legal proof of his disqualification. In the matter, this argument too is not helpful to accept the prayer of Shri Singhvi. I may also state that a Tribunal has no inherent power, nor any jurisdiction vests in it to undertake enquiry in such a matter as a provision has been made in the Act by providing section 97 that evidence on such matters can be led by a returned candidate only when a recrimination has been filed by him. Consequently, this submission should fail.

To sum up, if a returned candidate desires to challenge the claim of a petitioner to be declared elected, on the ground of any disqualification, which does not directly arise out of and has relation to the allegations and charges stated in the election petition, but is in a nature of an independent allegation, he can do so only by filing a recrimination under section 97(1) of the Act and has no right to raise such an objection in his written-statement, and even if he has raised it, it would not be considered and no enquiry can be made in regard to such an allegation. Therefore, when Shri Singhvi has admittedly not filed the recrimination, he cannot be permitted to lead evidence in regard to the allegation of disqualification of the petitioner.

For all these above stated reasons, I hold and conclude that no enquiry can be undertaken by this Tribunal in regard to the allegations raised and pleaded

by Shri Singhvi in para 32 of his written-statement, and I answer this issue accordingly.

Pronounced on the nineteenth day of September, 1962.

(Sd.) R. L. MEHTA,
19-9-62,

Member, Election Tribunal, Jodhpur.

[No. 82/303/62.]

New Delhi, the 16th November, 1962

S.O. 3498.—In exercise of the powers conferred by sub-section (1) of Section 13A, of the Representation of the People Act, 1950, (43 of 1950), the Election Commission in consultation with the Government of Gujarat, hereby nominates Shri P. N. Ambegaonkar, as the Chief Electoral Officer, for the State of Gujarat with effect from the 13th October, 1962, and until further orders *vice* Shri R. Parthasarathy on leave.

[No. 154/3/62/71220.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 13th November 1962

S.O. 3499.—In exercise of the powers conferred by entry 3(c) of Schedule 1 annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P.IV, dated the 13th July 1962 [G.S.R. No. 991, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 28th July, 1962] the Central Government is pleased to specify Princess Saleha Sultan and Princess Sabiha Sultan, daughters of the Her Highness the Begum Sahiba of Bhopal, for the purpose of that entry and directs that the exemption shall be valid in respect of one gun, one rifle and one revolver/pistol only.

[No. 16/10/62-P.IV.]

S. K. SINGH, Under Secy.

New Delhi, the 20th November, 1962

S.O. 3500.—In exercise of the powers conferred by clause (1) of article 258, of the Constitution, the President, with the consent of the Government of Gujarat, hereby entrusts also to the District Superintendent of Police, Kutch, the functions of the Central Government in making orders of the nature specified in clauses (a), (b), (c) and (cc) of sub-section (2) of section 3 of the Foreigners Act, 1946, (31 of 1946), subject to the following conditions, namely:—

- (a) that the functions so entrusted shall be exercised in respect of nationals of Pakistan;
- (b) that in the exercise of such functions the said District Superintendent of Police shall comply with such general or special directions as the Government of Gujarat or the Central Government may from time to time issue; and
- (c) that notwithstanding this entrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.

[No. 1/41/62-F. III.]

FATEH SINGH, Jt. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 12th November 1962

S.O. 3501.—In pursuance of Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (XLVI of 1947), the Central Government is pleased to declare that the provisions of Article IV and of Section 19 of Article V of the said Act shall apply *mutatis mutandis* to all Members of the Delegation [including delegates, (alternate or) deputy delegates, advisers, technical experts and consultants and Secretaries of Delegations] of Member States participating in the XVth Session of the Universal Postal Union Congress scheduled to take place in New Delhi during March-April, 1963.

[No. 780-UI/62.]

M. L. MOHINDRA, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 16th November, 1962

S.O. 3502.—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

These rules may be called the General Provident Fund (Central Services) Seventh Amendment Rules, 1962.

2. In the General Provident Fund (Central Services) Rules, 1960,—

(i) to sub-rule (2) of rule 10, the following proviso shall be added, namely:—

“Provided that in the case of a subscriber on deputation to a body corporate owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Accounts Officer by such body.”,

(ii) to sub-rule (3) of rule 11, after the existing proviso the following further proviso shall be added, namely:—

“Provided further that in the case of an amount forwarded in accordance with the proviso to sub-rule (2) of rule 10, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of that month.”.

[No. F. 8(25)-EV(B)/62/GPF.]

V. K. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 17th November 1962

S.O. 3503.—Statement of the Affairs of the Reserve Bank of India, as on the 9th November, 1962.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	17,49,86,000
Reserve Fund	80,00,00,000	Rupee Coin	3,54,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	2,70,000
		National Agricultural Credit (Long Term Operations) Fund	
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	(a) Loans and Advances to:—	
Deposits:—		(i) State Governments	23,98,79,000
(a) Government		(ii) State Co-operative Banks	11,61,72,000
(i) Central Government	50,42,72,000	(iii) Central Land Mortgage Banks	
(ii) State Governments	17,86,43,000	(b) Investment in Central Land Mortgage Bank Debentures	2,84,88,000
(b) Banks		National Agricultural Credit (Stabilisation) Fund	
(i) Scheduled Banks	80,81,24,000	Loans and Advances to State Co-operative Banks	
(ii) State Co-operative Banks	1,94,78,000	Bills purchased and Discounted:—	
(iii) Other Banks	3,13,000	(a) Internal	
(c) Others	16,07,43,000	(b) External	
Bills Payable	25,30,71,000	(c) Government Treasury Bills	103,51,37,000
Other Liabilities	30,94,05,000	Balances Held Abroad*	5,92,26,000
Rupees	520,40,49,000	Loans and Advances to Governments**	9,71,00,000
		Loans and Advances to:—	
		(i) Scheduled Banks†	3,97,65,000
		(ii) State Co-operative Banks†	133,32,30,000
		(iii) Others	1,26,57,000
		Investments	174,23,32,000
		Other Assets	32,44,53,000
		Rupees	520,40,49,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

†Includes Rs. 2,32,00,000 advanced to scheduled banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 14th day of November, 1962.

An Account pursuant to the Reserve Bank of India, Act 1934, for the week ended the 9th day of November, 1962.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	17,49,86,000		Gold Coin and Bullion :—		
Notes in circulation	2086,95,93,000		(a) Held in India	1,17,76,10,000	
Total Notes issued		2104,45,79,000	(b) Held outside India	..	
			Foreign Securities	88,08,43,000	
			TOTAL		205,84,53,000
			Rupee Coin		120,32,16,000
			Government of India Rupee Securities		1778,29,10,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2104,45,79,000	TOTAL ASSETS		2104,45,79,000

Dated the 14th day of November, 1962.

M. V. RANGACHARI,
Deputy Governor.

[No. F. 3(2)-BC/62.]

New Delhi, the 19th November, 1962

S.O. 3504.—In pursuance of clause (a) of sub-section (1) and sub-section (4) of section 8 of the Reserve Bank of India Act, 1934, (2 of 1934), the Central Government has appointed Shri C. S. Divekar as a Deputy Governor of the Reserve Bank of India for a term of three years with effect from the 12th November, 1962.

[No. F.3(66)-BC/62.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 15th November 1962

S.O. 3505.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, the "prescribed authority", for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

INSTITUTION

The Economic and Scientific Research Foundation, New Delhi.

[No. 77(F. No. 10/50/62-IT(AI)).]

G. R. DESAI, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 16th November 1962

S.O. 3506.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 23rd October 1962 (afternoon) Shri R. N. Muttoo a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such arrears or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the States of Punjab, Jammu and Kashmir and the Union Territory of Himachal Pradesh.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Muttoo shall be designated as the Commissioner of Income-tax, Punjab, Jammu and Kashmir and Himachal Pradesh with headquarters at Patiala.

Explanatory Note

NOTE.—The amendments have become necessary on account of the change in the incumbent of the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 78 (F. No. 55/1/62-IT).]

J. RAMA IYER, Under Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE

CENTRAL EXCISE

Bangalore, the 11th October 1962

S.O. 3507.—In pursuance of Rule 85 of the Central Excise Rules 1944, I hereby empower the Chemical Examiner, Custom House, Madras to determine the sucrose content of sugar in cases of dispute.

[No. 10/62.]

N. MOOKERJEE, Collector.

COLLECTORATE OF CENTRAL EXCISE: CALCUTTA & ORISSA: CALCUTTA

CENTRAL EXCISE

Calcutta, the 14th November 1962

S.O. 3508.—In exercise of the powers conferred on me by Rule 5 of Central Excise Rules, 1944, I hereby authorise the Deputy Collector of Central Excise in this Collectorate, to exercise the powers of Collector under the Rules enumerated in Column 1 of the table, subject to the restrictions set out in Column 2 thereof:—

TABLE

Relevant Central Excise Rule in respect of which power is delegated	Restrictions, if any
(1)	(2)
14A	
14B	Overdrawal against B-1 bond is subject to a maximum of 75% of the bond amount.
18	
27(4)	The power to remit duty in cases of loss or destruction of excisable goods lodged in private bonded store-rooms by unavoidable accidents is restricted to Rs. 750/- in each individual case, subject to a report being made to the Collector.
30	
32 and sub-para (g) of Central Board of Revenue New Delhi's Notification No. 24-CE, dated 23-7-49.	..
49	The power to waive duty in each case on goods claimed by the manufacturer as unfit for marketing is restricted to an amount of Rs. 750/- subject to a report being made to the Collector.
140	
147	The power to remit duty in cases of loss or destruction of excisable goods lodged in warehouses by unavoidable accidents is restricted to Rs. 750/- in each individual case, subject to a report being made to the Collector.
150(i) and 169	
191 (8), 191A(12) and 196	The power to forfeit the security is restricted to Rs. 750/- in each individual case, subject to a report being made to the Collector.
210A, 222 and 228 (i)

[No. 9/1962.]

M. C. DAS, Collector.

**OFFICE OF THE DY. COLLECTOR OF CENTRAL EXCISE AND LAND
CUSTOMS, BOMBAY-1**

N.B.—This Show Cause Notice is published in supersession of the Show Cause Notice published in the Gazette of India, Part II, Section 3(ii) dated 28th April, 1962.

NOTICE (Revised).

Bombay, the 16th November 1962

<i>Description</i>	<i>Quantity</i>	
Six Finger shaped bars of bullion gold.	T. M. Gs. 60.1.2	was seized on 4th March, 1962, by the Central Excise Officer of Sawantwadi from Passenger S.T. Bus, going from Vengurla to Belgaum was imported by sea in contravention of the Government of India, Ministry of Finance (Revenue Department) Notification No. 12(11) F.I/48, dated 25th August, 1948, as amended, issued under the Foreign Exchange Regulation Act, 1947, and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now therefore, any person claiming the gold bullion is hereby called upon to show cause to the Dy. Collector of Central Excise and Land Customs, Bombay, why the above mentioned gold bullion should not be confiscated under Section 167(8) of the Sea Customs Act, 1878, read with Section 23-A, of the Foreign Exchange Regulation Act, 1947, and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned gold bullion or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Gazette of India Part II, Section 3(ii) the gold bullion in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10(16) Cus/62.]

V. PARTHASARATHY, Dy. Collector.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, PATNA
TRADE NOTICE**

Patna, the 26th October, 1962

SUBJECT.—*Central Excise—Introduction of Audit Type of Control in place of Physical Control—Instructions regarding Procedure to be followed by the Manufacturers.*

S.O. 3510.—In pursuance of Rule 52-B, of Central Excise Rules, 1944, introduced vide Government of India, Ministry of Finance (Department of Revenue), New Delhi's notification No. 138/62-Central Excises, dated 13th June, 1962, the Central Board of Revenue, New Delhi have decided that the special procedure contemplated therein in substitution of the present procedure of clearance and accounting of excisable goods should on request in writing from the manufacturers, be followed in respect of the following excisable commodities:—

- (i) Pig Iron, Steel Ingots and Iron and Steel Products;
- (ii) Cement;
- (iii) Motor Vehicles other than trailers;
- (iv) Internal Combustion Engines of automotive type; and
- (v) Tyres and Tubes other than those for cycles.

2. The underlying principle in introducing the special procedure is (i) to do away with the present day to day control over clearances of excisable goods from established concerns; (ii) to prescribe simplified form of accounts in lieu of statutory accounts; and (iii) to recognise the manufacturer's accounts maintained in the normal course of business for the purpose of periodical checks over productions and removals under this special procedure, removals of the aforesaid excisable goods shall be under the gate passes issued by the manufacturer himself without the countersignature of the area Central Excise Officers. Duty payable on each clearance shall be adjusted by the manufacturer himself in the personal

ledger account maintained for the purpose with sufficient credit balance at all times to cover probable clearances from the factory. The account of production and removals shall be rendered to the visiting Central Excise Officers at the close of every week or such other period as specified in the permission granted by the Collector in the forms specified for the purpose.

3. The manufacturers of the above excisable commodities desiring to avail of the special procedure for removal of goods on gate passes without countersignature of proper officer shall apply in writing to the undersigned through the area Central Excise officer and the Assistant Collector concerned and will give a declaration that they shall abide by the limitations and conditions laid down in Rule 52-B, of Central Excise Rules, 1944 and the procedural instructions issued in Annexure-A, for M/s. Tata Iron and Steel Co., Ltd., Jamshedpur; Annexure-B, for factories manufacturing Cement, Annexure-C, for Motor Vehicles other than trailers and Internal Combustion Engines of the automotive type and further instructions issued by the undersigned from time to time. Details regarding records and books of accounts maintained by the manufacturers in the normal course of business; which have a correlations with the Central Excise records or returns etc., submitted by the manufacturer either to the Development wing of the Ministry of Commerce and Industry or other Governmental Organisations shall also be stated in their application.

4. The day to day procedure in respect of Tata Iron and Steel Co., Ltd., Jamshedpur and Cement, Motor Vehicles and Internal Combustion Engines of automotive type factories availing of the special procedure as above shall be governed by the instructions contained in the Annexures-A, B and C of this Trade Notice respectively. In respect of M/s. Tata Iron and Steel Co., Ltd., Jamshedpur the special procedure shall be introduced with effect from 1st November, 1962.

5. For Cement/Motor Vehicles and Internal Combustion Engines factories also the special procedure can be made applicable from 1st November, 1962, provided the factory applies for the same in writing through the area Central Excise Officer and the Assistant Collector concerned.

6. It has also been decided by the Central Board of Revenue that in case of factories, which may be governed by the special procedure where more than one excisable commodities are manufactured, all such commodities shall also be governed by the special procedure.

7. The essence of the special procedure of control is reliance on the manufacturers who will avail of the same. Any omissions or frauds coming to notice in observance of the said procedure shall, therefore, be viewed seriously and shall be punishable under Sub-rule (2) of Rule 52-B of the Central Excise Rules, 1944. The undersigned is empowered to withdraw the permission granted under para 3 above from any factory at any time and without assigning any reasons whatsoever.

ANNEXURE 'A'

Special Procedure for Clearance of Pig Iron, Steel Ingots and Iron or Steel Products Rule 52-B.

1. *Extent of application.*—The procedure set out in the following paragraphs may be made applicable to all integrated units manufacturing Pig Iron, Steel Ingots and Iron or Steel Products. Such manufacturers may, however, produce other goods also liable to excise duty like gases, acids, etc., either incidentally or on an auxiliary basis or otherwise in integrated units. To avoid any confusion of simultaneously having a Special Procedure for Pig Iron, Steel Ingots and Iron or Steel Products and the Standard Procedure for other excisable goods, the Special Procedure will be applicable, as a special case, in respect of all excisable goods manufactured in such integrated units. Any manufacturer desiring to avail of this procedure shall apply in writing to the Collector of Central Excise.

2. *Conditions and limitation of the procedure.*—(i) The manufacturer shall maintain accounts referred to in paragraph 3 below;

(ii) The manufacturer shall make available his records and books of accounts for verification by the Central Excise Officers, audit parties deputed for that purpose, whenever required;

(iii) The manufacturer shall ensure adequate balance to his credit in the account current separately for each of the excisable commodities to cover duty on day-to-day clearances of the excisable goods outside the factory premises, or for use inside the factory premises, except when pig iron is used for the manufacture of steel ingots or iron products liable to duty and steel ingots for the manufacture of steel products in the same factory; and

(iv) The Collector may withdraw the procedure from any factory at any time and without assigning any reasons whatever.

3. Maintenance of Accounts.—In lieu of R.G. 1 and E.B. 4 and other records prescribed under the Central Excise Rules or by the Collector, manufacturers shall maintain—

- (i) a simplified daily stock account (in triplicate) in form I separately for Pig Iron/Steel Ingots and Iron or Steel Products giving details of production, issues and closing stock; and
- (ii) Personal Ledger Account in the prescribed form separately for each of the excisable commodities manufactured in the factory; provided that only one account need be maintained both for steel ingots and iron and steel products if steel ingots are not issued as such from the factory.

4. Point of payment of duty.—Duty shall be paid at the time of clearance of goods outside the factory premises, or for use inside the factory premises, except when pig-iron is used for making steel ingots or iron products liable to duty and steel ingots for making steel products in integrated units.

5. Payment of duty.—The manufacturer should deposit necessary amount into the treasury under challan in form T.R. 6 in quadruplicate for credit to his account currents. One of the two copies returned by the treasury to the Depositor should be delivered or despatched without any delay to the Superintendent of Central Excise having jurisdiction over the factory, hereinafter called the Circle Officer.

(b) It shall be the manufacturer's responsibility to ensure adequate credit balance in the account current to cover excise duty on clearances of excisable goods whether outside the factory or for use inside the factory, except in the case of pig-iron for the manufacture of iron products liable to duty or steel ingots and steel ingots for manufacture of steel products in integrated units.

6. Clearance.—(a) All clearances, whether outside the factory or for use within the factory, except when pig-iron is used for making steel ingots, or iron products liable to duty and steel ingots for making steel products or any other excisable product should be covered by Gate-Pass, delivery notes, despatch advice, etc. These documents should contain all requisite information including licence number; counter-signature of the Central Excise Officer in these documents will not be necessary.

(b) The manufacturer shall prepare an abstract of the transactions including production, clearance and the amount of duty payable thereon on all the copies of the account in form 1, for periods ending 7th, 14th, 21st and the last day of each month and present it to the Central Excise Officer not later than on the third working day for the factory after each such period. The manufacturer shall also present an application in form A.R. 1 (in triplicate) separately for each of the excisable commodities like Pig Iron, Steel Ingots, and Iron or Steel Products, giving tariff category-wise details in the A.R. 1 for the last mentioned item, for the relevant period together with a copy each of the gate-pass/despatch advice/delivery note, etc., under which the goods were issued during the respective period and a datewise recapitulation thereof. The Central Excise Officer shall verify the particulars, record a certificate in form 1 (in the case of Pig Iron, Steel Ingots and Iron and Steel Products) and send the original copy of the account and the A.R. 1 to the Chief Accounts Officer. The duplicate copy of the account and duplicate A.R. 1 shall be sent to the Circle Officer. The triplicate copy shall be returned to the manufacturer for reference and record. The Gate-Passes/delivery notes, etc., and recapitulation should be retained by the Central Excise Officer in the office accommodation provided for in the factory premises.

7. Monthly Returns.—(a) The manufacturer shall prepare in triplicate a monthly return of excisable goods manufactured and issued in form R.T. 3 as prescribed under Rule 54 of the Central Excise Rules, 1944, separately for each of the excisable commodities. The abstract of the Personal Ledger Account indicating the opening balance, credits and debits during the month and the closing balance at the end of the month should also be furnished in the same return.

(b) The Central Excise Officer shall verify the entries and sign all three copies of the Return in token of his having done so and send (i) the original copy to the Superintendent (Preventive Intelligence) Collectorate Headquarters; (ii) the duplicate copy to the Circle Officer; (iii) the triplicate copy to the Chief Accounts Officer.

(c) The Circle Officer and the Chief Accounts Officer must scrutinise those returns with reference to the periodical abstracts received earlier from the officer concerned and ensure that debits of duty have been correctly made and that there has been adequate balance in the account current to cover day-to-day clearance. The Circle Officer shall prepare the return in form Ex. 6 from the A.R.s, periodical abstracts referred to above and the monthly returns furnished by manufacturers.

8. *Clearances for export.*—The normal procedure for clearance for export, whether under claim for rebate of duty or under bond will have to be followed, except where otherwise specifically provided for. Timely intimation should be given for the services of the Central Excise Officer, where necessary.

9. *Stock verification.*—The manufacturer should intimate the dates on which stock verification, if any, at periodical intervals, half yearly or annual, will be conducted by him. The Central Excise Officers should, as far as possible, endeavour to associate themselves with the manufacturers' representatives during such stock verification. Any adjustments in the closing stocks of different excisable products should be done under intimation to the Circle Officer.

10. Where excisable products are assessable *ad valorem* and no tariff values or specific rates of duty have been prescribed by the Government, the manufacturer shall furnish details of the prices at which goods are to be assessed to duty and get them approved by the Superintendent/Assistant Collector. Changes in approved prices should also be effected likewise.

FORM I

(in triplicate—original & duplicate to be perforated).

Daily Stock Account for Pig Iron/Steel Ingots/Iron or Steel Products

Name of factory/manufacturer.

Address

Licence No.

Date	Description of goods	Opening Balance	Production	Total Cols. 3 & 4	Issues on payment of duty			
					Outside factory	Use in the fac- tory	Total of Cols. 6 & 7	Value Rs.
I	2	3	4	5	6	7	8	9

Notes :—

- (i) Separate accounts should be maintained for pig iron/steel ingot/Iron or Steel Products.
- (ii) For Iron or Steel Products a separate section should be opened for each tariff category of goods.
- (iii) For pig iron —quantity in terms of cold pigs, castings, moulds etc. should be given.
- (iv) Totals of transaction for periods ending 7th, 14th, 21st and last day of the month should be struck.
- (v) For Pig Iron and Steel Ingots entries need be made *only* in respect of such goods as are sent out as such or consumed inside the factory otherwise than for making other *excisable* products.
- (vi) Col. 9 need be filled up in respect of Iron or Steel Products only.

ANNEXURE 'B'

SUBJECT.—*Special procedure for clearance of Cement and Realisation of Excise Duty thereon.*

1. *Extent of application.*—The procedure set out in the following paragraphs may be made applicable to all the Cement factories in India. Any manufacturer desiring to avail of this procedure shall apply in writing to the Collector of Central Excise.

2. *Conditions and limitations of the Procedure.*—(i) The manufacturer shall maintain accounts referred to in paragraph 3 below;

(ii) The manufacturer shall make available his records and books of accounts for verification by the Central Excise Officers, or audit parties deputed for that purpose, whenever required;

(iii) The manufacturer shall ensure adequate balance to his credit in the account current to cover the duty on day-to-day clearances of Cement out of the factory premises or for use inside the factory premises; and

(iv) the Collector may withdraw the procedure from any factory at any time and without assigning any reasons whatever.

3. *Maintenance of accounts.*—In lieu of the R.G.1 and E.B.4 and other records prescribed under the Central Excise Rules or by the Collector, manufacturers shall maintain the following records:—

(i) A simplified daily stock account (in triplicate) in form I giving details of production, issues and closing stock;

(ii) Personal Ledger Account in the prescribed form;

(iii) Record of duty paid cement received into the factory for reprocessing in form II;

(iv) Record of duty paid cement in the factory premises for use in the factory in form III.

4. *Point of payment of duty.*—Duty shall be paid at the time of clearance of goods out of the factory premises, or for use inside the factory premises.

5. *Payment of duty.*—(a) The manufacturer should deposit necessary amount into the Treasury under challan in form T.R.6 in quadruplicate for credit to his account current. One of the two copies returned by the Treasury to the Depositor should be delivered or despatched without any delay to the Superintendent of Central Excise having jurisdiction over the factory, hereinafter called the Circle Officer.

(b) It shall be the manufacturer's responsibility to assure adequate credit balance in the account current to cover excise duty on day-to-day clearances of cement out of the factory premises or for use inside the factory.

6. *Clearance.*—(a) All clearances, whether out of the factory or for use within the factory should be covered by Gate-passes, delivery notes, despatch advice etc.

These documents should be serially numbered and contain all requisite information including licence number. Countersignature of the Central Excise Officer will not be necessary.

(b) The manufacturer shall prepare an abstract of the transactions including production, clearance and the amount of duty payable thereon on all the copies of the account in Form 1 for periods ending 7th, 14th, 21st and last day of each month and present it to the visiting Central Excise Officer on the first working day of the factory after each such period. The Manufacturer shall also present an application in Form A.R.1 for the relevant period together with a copy of each of the gatepass/despatch advice/delivery note etc. serially numbered under which the goods were issued during the respective period and a datewise recapitulation thereof. The Central Excise Officer shall verify the particulars, record a certificate in Form 1 and send the original copy alongwith the original A.R.1 to the Chief Accounts Officer. The duplicate copy of the account and the duplicate A.R.1 shall be sent to the Circle Officer. The triplicate copy shall be retained by the manufacturer for his reference and record. The gate-passes, delivery notes etc. and the recapitulation shall be retained by the Central Excise Officer in the Central Excise office in the factory premises.

(c) The Circle Officer shall arrange to depute the nearest Range/Sector Officer or some other Officer from Headquarters to visit the factory on the first working day of the factory after each relevant period referred to in sub-paragraph (b) above.

7. *Monthly returns.*—(a) The manufacturer shall prepare, in triplicate, a monthly return of excisable goods manufactured and issued, in form R.T.3 as prescribed under Rule 54 of the Central Excise Rules, 1944. The abstract of the P.L.A. indicating the opening balance credits and debits during the month and the closing balance at the end of the month should also be furnished in the same return.

(b) The Central Excise Officer shall verify the entries and sign all the three copies of the Return in token of his having done so and send (i) the original copy to the Superintendent (Prev. Int) Collectorate Headquarters, (ii) the duplicate copy to the Circle Officer (iii) the triplicate copy to the Chief Accounts Officer.

(c) The Circle Officer and the Chief Accounts Officer should scrutinise these returns with reference to the periodical abstracts of accounts received earlier and ensure that debits of duty have been correctly made and that there *has been adequate credit balance in the account current to cover day-to-day clearances.* The Circle Officer should prepare the return in form Ex. 6 from the A.R.1s, the periodical abstracts referred to above and the monthly returns furnished by manufacturers.

8. *Clearance for export.*—The normal procedure for clearance for export, whether under claim for rebate of duty or under bond will have to be followed, except where otherwise specifically provided for. Timely intimation should be given for the services of a Central Excise Officer, where necessary.

9. *Return of Damaged Cement for reprocessing.*—Manufacturer who desires to receive damaged cement for reprocessing shall keep an account of all such Cement received in form II (Specimen form enclosed). Before the goods are taken for reprocessing, the due intimation should be given to the Central Excise Officer for taking samples for Chemical analysis. The Central Excise Officer will intimate the quantity of cement that can be cleared in lieu of the damaged cement brought back.

10. *Storage of duty paid cement for consumption within the factory premises.*—Cement intended for consumption within the factory premises for construction, repair works etc. must be stored in a separate place specially approved by the Circle Officer for this purpose. An account of receipt, issues and stock of such cement should be maintained in Form III (Specimen form enclosed).

FORM I

*In triplicate**Daily Stock Account*

Name of Factory :

Address :

Licence No. :

Issues on payment of duty

Date	Description of goods	Opening balance	Production	Total (Cols. 3 & 4)	Outside sale	Use within factory	Total (Cols. 6 & 7)	Amount of duty
1	2	3	4	5	6	7	8	9

Issues for export without payment of duty	Closing balance	Remarks	Signature of Manufacturer	Remarks
10	11	12	13	14

I/We declare that we have compared the above particulars with the records/books of my/our factory and that they are in so far as I/We can ascertain, accurate and complete.

Signature of Manufacturer.

Date.....

Notes:—

- (1) Issues for export under claim for rebate of duty may be indicated in remarks column.
- (2) Trade samples and samples in excess of 25 lbs. sent outside factory for test purposes to be entered in Col. 6 and duty adjusted.
- (3) Totals for periods ending 7th, 14th, 21st and the last day of the month should be struck.
- (4) Issues as per form II should not be shown in Cols. 6 to 9.

FORM II

Account of receipts of cement for reprocessing

Name of Factory :

Address :

Licence No :

Date of reentry	Quantity		Description of goods	S. No. of packages	Signature of the Licensee
	No. of packages	Gross/ Nett weight			
(1)	(2)		(3)	(4)	(5)

Date of reissue	No. & date of gate pass under which issued	Gross/Nett weight of goods issued	Remarks	Signature of Licensee
(6)	(7)	(8)	(9)	(10)

NOTE.—Reference No. from C. E. Officer for issue of Cement in Col. 8 should be indicated in Remarks Col.

FORM III

Account of duty paid cement retained in the factory premises for use in the factory.

Name of Factory :

Address :

Licence No :

Date	Opening balance	Quantity received	Total	Quantity issued	Closing balance	Remarks
1	2	3	4	5	6	7

ANNEXURE 'C'

SUBJECT.—*Special procedure for clearance of Motor Vehicles other than trailers and Internal Combustion Engines of the Automotive type.*

1. *Extent of application.*—The procedure set out in the following paragraphs may be made applicable to all manufacturers of Motor Vehicles other than Trailers, and/or Internal Combustion Engines of the automotive type. If, however, any manufacturer incidentally manufactures Internal Combustion Engines of the Stationary type also, the special procedure hereinafter contained shall be applicable to such engines also. Any manufacturer desiring to avail of this procedure shall apply in writing to the Collector of Central Excise.

2. *Conditions and limitations of the procedure.*—(i) The manufacturer shall maintain accounts referred to in paragraph 3 below;

(ii) The manufacturer shall make available his records and books of accounts for verification by the Central Excise Officers, or audit parties deputed for that purpose, whenever required;

(iii) The manufacturer shall ensure adequate balance to his credit in the accounts current to cover duty on day-to-day clearances of the excisable goods out of the factory premises, except when Internal Combustion Engines of the automotive type are used to fit in Motor Vehicles in the same factory premises in integrated units; and

(iv) The Collector may withdraw the procedure from any factory at any time and without assigning any reasons whatever.

3. *Maintenance of accounts.*—In lieu of the R.G.1 and E.B.4 and other records prescribed under the Central Excise Rules or by the Collectors, manufacturer shall maintain the following records:

(i) A simplified daily stock account in triplicate in Form-I separately for Motor Vehicles and Internal Combustion Engines giving details of production, issues and closing stock.

(ii) Personal Ledger Account in the prescribed form separately for Motor Vehicles and Internal Combustion Engines.

(iii) Record of receipt and disposal of duty-paid Internal Combustion Engines of the automotive type and adjustment of duty in Form II where duty paid Internal Combustion Engines from outside are received for fitting into Motor Vehicles.

4. *Point of payment of duty.*—Duty shall be paid at the time of clearance of goods out of the factory premises or for use inside the factory, except in the case of Internal Combustion Engines to be fitted to Motor Vehicles in integrated units.

5. *Payment of duty.*—(a) The manufacturer should deposit necessary amount into the Treasury under challan in form T.R.6 in quadruplicate for credit to his accounts current separately for each Tariff item. One of the two copies returned by the Treasury to the Depositor should be delivered or despatched without any delay to the Superintendent of Central Excise having jurisdiction over the factory hereinafter called the Circle Officer.

(b) It shall be the manufacturers' responsibility to ensure adequate credit balance in the account current to cover excise duty on day-to-day clearances of Motor Vehicles and/or Internal Combustion Engines whether outside the factory premises or for use inside the factory, except in the case of Internal Combustion Engines to be fitted to Motor Vehicles in integrated units.

6. *Clearances.*—(a) All clearances, whether out of the factory or for use within the factory should be covered by Gate-passes/delivery-notes/despatch advice etc. These documents should be serially numbered and contain all requisite information including licence number. Counter-signature of the Central Excise Officer on these documents will not be necessary.

(b) The manufacturer shall prepare an abstract of the transactions, including production, clearance and the amount of duty payable thereon, on all the copies of the account in Form I for periods ending 7th, 14th 21st and the last day of each month and present it to the visiting Central Excise Officer on the first working day of the factory after each such period. The manufacturer shall also present an application in Form AR-1 (in triplicate) separately for each excisable product for the relevant period together with a copy of each of the gatepass/despatch advice/delivery note etc., under which the goods were issued during the respective period and a datewise recapitulation thereof. The Central Excise Officer shall verify the particulars, record a certificate in Form I and send the original copy of the account along with the original AR-1 to the Chief Accounts Officer. The duplicate copy of the account and the duplicate AR-1 shall be sent to the Circle Officer. The triplicate copy shall be retained by the manufacturer for reference and record. The gate-passes, delivery notes etc. and the recapitulation should be retained by the Central Excise Officer in the Central Excise Office in the factory premises.

(c) The Circle Officer shall arrange to depute the nearest Range/Sector Officer or some other Officer from Headquarters to visit the factory on the first working day of the factory after the relevant periods referred to in sub-paragraph (b) above for this periodical check of accounts.

7. *Monthly returns.*—(a) The manufacturer shall prepare in triplicate a monthly return of excisable goods manufactured and issued, in form R.T.3 as prescribed under Rule 54 of the Central Excise Rules 1944 separately for each of the excisable commodities. The abstract of the P.L.A. indicating the opening balance, credits and debits during the month and the closing balance at the end of the month should also be furnished in the same return.

(b) The Central Excise Officer shall verify the entries and sign all the three copies of the Return in token of his having done so and send (i) the original copy to the Superintendent (Prev. Int) Collectorate Headquarters, (ii) the duplicate copy to the Circle Officer; (iii) the triplicate copy to the Chief Accounts Officer.

(c) The Circle Officer and the Chief Accounts Officer must scrutinise these returns with reference to the periodical abstracts of accounts received earlier and ensure that debits of duty have been correctly made and that there has been adequate credit balance in the account current to cover day-to-day clearance. The Circle Officer should prepare the return in form Ex. 6 from the A.R.1s, the periodical abstracts referred to above and the monthly returns furnished by manufacturers.

8. *Clearances for export.*—The normal procedure for clearance for export, whether under claim for rebate of duty or under bond will have to be followed, except where otherwise specifically provided for. Timely intimation should be given for the services of a Central Excise Officer, where necessary.

9. *Adjustment of duty paid on Internal Combustion Engines.*—Under Notification Central Excise 23/60, dated 1st March 1960 Motor Vehicles fitted with duty paid Internal Combustion Engines are exempt from so much of the duty leviable thereon as is equivalent to the duty already paid on such engines. A manufacturer getting duty paid Internal Combustion Engines (of the automotive type) to be fitted into Motor Vehicles shall maintain a record in form II (specimen form enclosed herewith) giving details of A.R.1, number of engines, serial numbers thereof, duty paid, date of adjustment etc. to facilitate verification. The manufacturer should also keep one copy of the A.R.1 covering each such consignment of engines in a separate file to facilitate ready reference.

10. Manufacturers should submit statements showing prices of motor-vehicles and/or Internal Combustion Engines assessable *ad valorem* and for which Tariff values have not been prescribed for approval by the Superintendent/Assistant Collector concerned. Changes in the prices should normally be effected only after obtaining formal approval thereof.

(In triplicate)

FORM I

Name of Factory :

Address :

Licence No :

Daily stock account of Internal Combustion Engines/Motor Vehicles.

Date	Description of goods	Opening balance		Manufactured		Total	
		No.	Value	No.	Value	No. (Col. 3+5)	Value. (Col. 4+6)
1	2	3	4	5	6	7	8

Issues on payment of duty			Issues for Export with- out payment of duty		Closing balance		Remarks.	Signature of Manufacturer
No.	Value	Excise duty	No.	Value	No.	Value		
9	10	11	12	13	14	15	16	17

- NOTE :— (i) A separate section to be opened for vehicles coming under sub-items (1) to (4) of the Tariff; and similarly for Internal Combustion Engines of the automotive type and others, if any.
- (ii) Issues for export under claim for rebate of duty to be indicated in remarks column also.
- (iii) Totals should be struck for periods ending 7th, 14th, 21st and last day of each month.

FORM II

Name of Factory :

Address :

Licence No :

Record of receipt and disposal of duty paid Internal Combustion Engines and adjustment of duty

Date	Description of goods	A.R.I. No. and date (of factory of origin).	Range/Circle of origin	No. of engines	Sl. No. of engines
1	2	3	4	5	6

Excise duty paid on each engine	Date of adjustment	A. R. I. No. for clearance of motor vehicles	Remarks	Signature of manufacturer
7	8	9	10	11

NOTE :— 1. A separate line may be allotted for each engine.

2. ARIs, indicated in Column 3 to be kept in one file.

[No. 58/49-MP/62.]

A. R. SHANMUGAM, Collector.

MINISTRY OF COMMERCE & INDUSTRY

Bombay the 11th November 1962

PART I

S.O. 3511.—In exercise of the powers conferred on me by Clause 14 of the Cotton Control Order, 1955 I hereby direct that with effect from 12th November, 1962 no person shall, except in accordance with the permission in writing of the Cotton Adviser, Deputy Director or Assistant Director of Cotton in the Office of the Textile Commissioner, Bombay, transport or cause to be transported full pressed cotton bales by rail, road or water from each of the godowns and/or Jaithas situated in the City of Bombay belonging to the Bombay Port Trust at Cotton Depot area situated between the Reay Road Railway Station and the Cotton Green Railway Station on the eastern side of the railway line connecting the said Stations to any place outside each of the aforesaid godowns and jaithas.

The above restriction on movement will not apply to bales of cotton for export out of India.

PART II

In exercise of the powers conferred on me by Clause 17 of the Cotton Control Order, 1955, I hereby order all persons who hold stocks of cotton in all the

godowns and jaithas mentioned in Part I of this Notification to furnish true and accurate information within 7 days hereof giving details in respect of varieties, stations, season and quantities and dates of arrival of the stocks of cotton held by them either on their own account or on account of other persons, as on the 12th November, 1962.

(Sd.) R. DORAISWAMY,
Textile Commissioner-Cum-
Ex-Officio Jt. Secy.

New Delhi, the 16th November, 1962

[No. 24(4)-Tex(A)/62-3.]

CORRIGENDUM.

Bombay the 15th October, 1962

S.O. 3512.—In the Ministry of Commerce and Industry notification S.O. 2892, dated the 5th September, 1962, published at pages 3022-3035, of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 22nd September, 1962:—

- (i) at page 3025 in line 36 from the top of the page:
for 'Marketing' read 'Marking'
- (ii) at page 3027 in line 6 from the bottom of the page:
for 'A-59-9' read 'A-51-9'
- (iii) at pages 3030-3031, in Schedule 'A' appended to the said notification under the column 'Basic maximum price per quintal of 100 kgs', against item 'Westerns':
for '1080' read '1018'.

Sd./- R. DORAISWAMY,
Textile Commissioner.

[No. 24(4)-Tex(A)/62-II.]
A. B. DATAR, Under Secy.

New Delhi, the 14th November, 1962.

New Delhi, the 19th November 1962

S.O. 3513.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the Rajdhani Grains and Jaggery Exchange Limited, Kohinoor Building, Katra Baryan, Delhi-6, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a further period of one year from the 7th December, 1962 upto the 6th December, 1963 both days inclusive, in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(18)-TMP/FMC/62.]

M. L. GUPTA, Under Secy.

ORDERS

New Delhi, the 19th November 1962

S.O. 3514/IDRA/6/1.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri D. Chakravarty to be a member, till the 14th October, 1964, of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O.

3150, dated the 15th October, 1962, for the scheduled industries engaged in the manufacture or production of Instruments, Bicycles and Sewing machines and directs that the following amendment shall be made in this said Order, namely:—

In the said Order, for entry No. 14 relating to Shri Abhijit Sen, the following entry shall be substituted, namely:—

"14. Shri D. Chakravarty", Director, Sen Raleigh Industries of India Ltd., Mercantile Building, Lall Bazar, Calcutta.

[No. 1(6)/L.Pr./62.]

S.O. 3515/IDRA/6/13.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri F. G. T. Menezes to be a member, till the 23th October, 1964 of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 3294, dated the 26th October, 1962, for the scheduled industries engaged in the manufacture or production of Oils, Paints, Soaps, Cosmetics and Toiletries and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 28 relating to Dr. K. T. Acharya, the following entry shall be inserted, namely:—

"29. Shri F. G. T. Menezes", Deputy Director (Vanaspathi), Ministry of Food and Agriculture, Jamnagar House, New Delhi.

[No. 1(7)/L.Pr./62.]

S. P. KRISHNAMURTHY, Under Secy.

(Office of the Chief Controller of Imports & Exports)

NOTICE

New Delhi, the 29th August 1962

S.O. 3516.—Whereas licence No. 991491/F.C./61 dated 22nd December 1961, valued at Rs. 39,19,000/- for the import of capital machinery and equipment for the manufacture of steel wire ropes from West Germany granted by the Chief Controller of Imports and Exports, New Delhi to M/s. H. K. Industries Private Ltd., 87, Nagdevi Cross Lane, Bombay-3, was obtained *inter-alia* on the conditions that—

Payment for the goods will be met out of the following amounts:

(i) Fresh foreign capital	Rs. 12,50,000/-
(ii) I.C.I.C.I. foreign exchange loan.	Rs. 26,69,000/-
Total:	Rs. 39,19,000/-

and whereas it has come to notice that the above-said party has failed to fulfil condition No. (ii) above. It is therefore, hereby notified, that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry, propose to cancel the said licence No. 991491/F.C./61, dated 22nd December 1961 unless sufficient cause against this is furnished to the Chief Controller of Imports & Exports, New Delhi within ten days of date of issue of this Notice by the said M/s. H. K. Industries Private Ltd., 87, Nagdevi Cross Lane, Bombay-3, or any Bank, or any other party, who may be interested in it.

2. In view of what is stated above M/s. H. K. Industries Private Ltd., 87, Nagdevi Cross Lane, Bombay-3 or any Bank, or any other party, who may be interested in the said licence No. 991491/F.C./61, dated 22nd December 1961, are hereby directed not to enter into any commitments against the said licence and return it immediately to the Chief Controller of Imports and Exports, New Delhi.

[No. CG.I/1(79)2-60.]

J. S. BEDI, Dy. Chief Controller.
for Chief Controller of
Imports and Exports.

(Indian Standards Institution)

New Delhi, the 13th November 1962

S.O. 3517 —In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that amendment to the Indian Standard given in the Schedule hereto annexed, has been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)

1. IS : 495—1954 Specification for Graphite Flake for Lubricants.

S.R.O. 658 dated 26 March, 1955.

No. 2 October, 1962.

Item B-7—Substitute the existing item, clauses and sub-clauses under it by the following : With immediate effect.

'B-7 DETERMINATION OF NON-GRAPHITIC CARBON

B-7.1. Procedure—Weigh accurately about 2 g of the material into a heat-resistant glass beaker fitted with a nickel cover and note the weight of the beaker with the material (W_1). Heat in a furnace at a temperature of $440^\circ \pm 5^\circ\text{C}$ for 16 hours. Cool the beaker and Contents in a desiccator and weigh (W_2).

Note:— The heating for 16 hours should preferably be done at a stretch. If this is not practicable, it should be done in two equal instalments of 8 hours each, on two successive working days.

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

B-7.2 Calculation

Non-graphitic carbon percent by weight $(W_1 - W_2)$

$$= 100 \frac{W_1 - W_2}{W} - (A + B)$$

where

 W_1 = first weight of the beaker and contents, W_2 = Second weight of the beaker and contents, percent loss on heating (See B-2), A = percent petroleum ether soluble matter (See B-3), and B = percent petroleum ether soluble matter (See B-3), and W = weighting of the sample taken for the test.

Copies of this Amendment Slip are available, free of cost with the Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi -1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin street, Calcutta-1, (iii) 2/21, First Line Beach, Madras-1, and 14/69, Civil Lines, Kanpur.

[No. MD/13 :5.]

New Delhi, the 14th November 1962

S. O. 3518.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 & 1962, the Indian Standards Institution hereby notifies that nine licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Serial No.	Licence No. and date	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-463 11-10-1962	20-10-62	19-10-63	M/s. Basant Pran & Company, 25 Andul 2nd Bye Lane, Howrah having their office at 9, Old Court House Street, Calcutta-1.	Metal Clad Switches, 15 & 30 Amps, 250 Volts Grade	IS: 1567-1960 Specification for Metal Clad Switches (Current Rating Not Exceeding 100 Amperes)
2	CM/L-464 24-10-1962.	15-11-62	14-11-63	M/s. Murlidhar Jhunjhunwala Private Ltd., Field No. 82/3 (a) Sathankadu, Kaladipet, Madras-19.	BHC Water Dispersible Powder Concentrates	IS: 562-1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).
3	CM/L-465 30-10-1962	15-11-62	14-11-63	M/s E.A.G. Minerals Supply, B/1 Hide Road, Kidderpore, Calcutta-23 having their Head Office at P. 22, Swallow Lane, Calcutta-1.	BHC Dusting Powders.	IS: 561-1962 Specification for BHC Dusting Powders (<i>Second Revision</i>)
4	CM/L-466 30-10-1962.	15-11-62	14-11-63	M/s. Sial Soap Stone Factory, Rupaund (S.E.R.) P. O. Barwara, Via Katni, Distt. Jabalpur.	BHC Dusting Powders	IS: 561-1962 Specification for BHC Dusting Powders (<i>Second Revision</i>)
5	CM/L-467 30-10-1962	15-11-62	14-11-63	M/s. Shalimar Tar Products (1935) Limited, 26, Lake Road, Bhandup, Bombay-78 having their Office at 6, Lyons Range, Calcutta.	Bitumen Felts for Waterproofing and Damp-proofing Type 3, Grade I	IS: 1322-1959 Specification for Bitumen Felts for Waterproofing and Dampproofing

6	CM/L-468 30-10-1962	15-11-62	14-11-63	M/s. Prabhat (Stove & Lamp) Products Co. Pvt. Ltd., Prabhat Udyog Nagar, Ghodbunder Road, Jogeshwari, Bombay-60 having their office at Noble Chambers, Parsi Bazar Street, Fort, Bombay-I.	Oil Pressure Lanterns	IS: 1384-1959 Specification for Oil Pressure Lanterns.
7	CM/L-469 30-10-1962	15-11-62	14-11-63	The Sharif Electrical Works, C.S. No. 5/172 King Edward Road, Sewri, Bombay-15 having their office at Sharif House, 74, Custom House Road, Fort Bombay-I.	Three-Phase Induction Motors Up to 20 Horse Power only	IS: 325-1961 Specification for Three-Phase Induction Motors (<i>Second Revision</i>)
8	CM/L-470 0-10-1962	1-11-62	31-10-63	M/s. Hind Tin Industries, 107-A, Raja Dinendra Street, Calcutta-6.	18-Litre Square Tins	IS: 916-1958 Specification for 18-Litre Square Tins.
9	CM/L-471 2-11-1962	15-11-62	14-11-63	M/s. Prabhat (Stove & Lamp) Products Co. Pvt. Ltd., Prabhat Udyog Nagar, Ghodbunder Road, Jogeshwari, Bombay-60 having their office at Noble Chambers, Parsi Bazar Street, Fort, Bombay-I.	Blow lamps	IS: 1899-1961 Specification for Blow Lamps.

[No. MD/12 : 753]

S.O. 3519.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended in 1961 & 1962, the Indian Standards Institution hereby notifies that twenty-three licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE.

Serial No.	Licence No. and date	Period of Validity		Name and address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-15 13-9-1956	2-10-62	1-10-63	M/s. Khadi and Gramodyog Bhandar, 396, Kalbadevi Road, Bombay-2.	The National Flag of India (Cotton Khadi).	IS: 1-1951 Specification for The National Flag of India (Cotton Khadi).
2	CM/L-20 24-10-1956	24-10-62	23-10-63	Messers. Shree Digvijay Cement Co. Ltd., Sikka (Saurashtra).	Ordinary, Rapid-Hardening and Low Heat Portland Cement.	IS : 269-1958 Specification for Ordinary, Rapid Hardening and Low Heat Portland Cement (Revised).
3	CM/L-139, 28-8-1959.	20-10-62	19-10-63	M/s. Tata-Fison Limited, Palluruthy, Cochin, Kerala State.	DDT Water Dispersible Powder Concentrates.	IS : 565-1955 Specification for DDT Water Dispersible Powder Concentrates.
4	CM/L-140, 28-8-1959.	20-10-62	19-10-63	M/s. Tata Fison Limited, Palluruthy, Cochin, Kerala State.	BHC Water Dispersible Powder Concentrates.	IS : 562-1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).
5	CM/L-144, 28-9-1959.	16-10-62	15-10-63	M/s. Bharat Pulverising Mills Private Limited, 38-1, Sayani Road, Bombay-28.	BHC Dusting Powders.	IS : 561-1958 Specification for BHC Dusting Powders (Revised)
6	CM/L-145, 28-9-1959.	16-10-62	15-10-63	M/s. Bharat Pulverising Mills Private Ltd., 38-A, Sayani Road, Bombay-28.	DDT Dusting Powders.	IS - 564-1961 Specification for DTD Dusting Powders (Revised).
7.	CM/L-147 28-9-1959.	16-10-62	15-10-63	Messrs BharatPulverising Mills Private Limited, 38-A, Sayani Road, Bombay-28.	DDT Water Dispersible Powder Concentrates.	IS : 565-1955 Specification for DDT Water Dispersible Powder Concentrates.
8	CM/L-148, 28-9-1959	16-10-62	15-10-65	M/s. Flintrock Products Private Limited, Belvedere Road, Mazgaon, Bombay-10.	BHC Dusting Powders.	IS : 561-1958 Specification for BHC Dusting Powders (Revised).

9	CM/L-150, 15-10-1959.	1-11-62	31-10-63	M/s. Packing Materials Corporation, 248, Samuel Street, Bombay-3.	Waterproof Packing Paper	IS : 1398-1960 Specification for Packing Paper, Waterproof Bitumen Laminated.
10	CM/L-153, 15-10-1959.	1-11-62	31-10-65	The Alkali & Chemical Corporation of India Ltd., 34-Chowringhee, Calcutta-16.	BHC, Technical	IS : 560-1961 Specification for BHC Technical (Revised).
11	CM/L-231, 27-9-1960.	15-10-62	14-10-63	Bharat Pulverising Mills Private Ltd., Chinchpokli Cross Lane, Byculla, Bombay-8.	BHC Dusting Powders	IS : 561-1958 Specification for BHC Dusting Powders (Revised).
12	CM/L-232, 17-10-1960.	1-11-62	31-10-63	The Assam Plywood Products Dibrugarh (Factory at Kakojan) Assam.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Plywood Tea-Chest (Revised)
13	CM/L-235, 18-10-1960.	1-11-62	31-10-63	The Vegetable Soap Works, Big Bazar, Calicut-1 (Kerala State)	Toilet Soap	IS : 284-1951 Specification for Toilet Soap.
14	CM/L-236, 18-10-1960.	1-11-62	31-10-63	M/s. Republic Engineering Corporation Limited, 7, Chowringhee Road, Calcutta-13.	Bicycle Bottom Bracket fixed cups.	IS : 1133-1958 Specification for Bicycle Bottom Bracket Fixed Cup.
15	CM/L-237, 18-10-1960.	1-11-62	31-10-63	The Stoneware Pipe (Madras) Ltd., Trivellore.	Salt-Glazed Stoneware Pipes Upto and including 6" diameter.	IS : 651-1955 Specification for Salt-Glazed Stoneware Pipes and Fittings.
16	CM/L-329, 31-7-1961	25-10-62	24-10-63	M/s. Delta Spokes Manufacturing Co., 12 Nanabhai Lane, Bombay-1.	14 SWG Bicycle Spokes (Plain) with Nipples and Washers.	IS-630-1961 Specification for Bicycle Spokes (Plain) and Nipples for Spokes (Revised).
17	CM/L-343, 27-9-1961	25-10-62	24-10-63	M/s. S.G. Can Factory, Yamunanagar, (Rly. Station Jagadhari),	18-Litre Square Tins	IS : 916-1958 Specification for 18-Litre Square Tins.
18	CM/L-344, 29-9-1961	15-10-62	14-10-63	M/s. Goderj Soaps Private Ltd., 316, Delisle Road, Bombay-11.	(i) Stearic Acid, Technical, Grade 3 and Grade 4. (ii) Oleic Acid, Technical, Grade 3.	IS:1675-1960 Specification for Stearic Acid, Technical. IS:1676-1960 Specification for Oleic Acid, Technical.
19	CM/L-345, 29-9-1961	15-10-62	14-10-63	M/s. AFCO Limited, Erangal, Madh Island, Bombay-58.	Extension Ladders for Fire Fighting Purposes.	IS:930-1959 Specification for Extension Ladders for Fire Fighting Purposes.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
20	CM/L-346, 29-9-1961	15-10-62	14-10-63	M/s. AFCC Limited, Erangal, Madh Island, Bombay-58.	Wheeled Fire Escape	IS: 931-1959 Specification for Wheeled Fire Escape.
21	CM/L-347 [29-9-61	15-10-62	14-10-63	The Mysore Electro-Chemical Works Limited, Rajajinagar, Yaswantpur, Bangalore.	Lead-Acid Storage Batteries (Light Duty) for Motor Vehi- cles.	IS: 395-1959 Specification for Lead-Acid Storage Batteries (Light Duty) for Motor Vehicles (Revised).
22	CM/L-348 11-10-1961.	13-10-62	12-10-63	The Malwa Vanaspati & Chemi- cal Co. Ltd., Bhagirathpura, Indore.	18 Litre Square Tins	IS: 916-1958 Specification for 18-Litre Square Tins.
23	CM/L-349 20-10-1961.	1-11-62	31-10-63	M/s. Cable Corporation of India Limited, Laxmi Build- ing, 6 Ballard Road, Ballard Estate, Fort, Bombay-1.	PVC Insulated (Heavy Duty) Electric Cables for Working Voltages Upto and including 1100 Volts.	IS: 1554 (Part I)-1961 Specifi- cation for PVC Insulated (Heavy Duty) Electric Cables Part I for Working Voltages Up to and Including 1100 Volts.

[No. MD/12 : 30]

C. N. MODAWAL,
Head of the Certification Marks Division.

MINISTRY OF STEEL AND HEAVY INDUSTRIES

(Department of Iron and Steel)

New Delhi, the 13th November 1962

S.O. 3520/ESS.COMM/Iron & Steel-2(C)/AM/(97).—In exercise of the powers conferred by sub-clause (c) of Clause 2 of the Iron & Steel (Control) Order 1956, the Central Government hereby directs that the following further amendment shall be made to the Notification of the Government of India, in the Ministry of Steel, Mines and Fuel No. S.R.O. 2041/Ess.Comm/Iron & Steel-2(C), dated the 11th June 1957 as amended from time to time namely.

In the schedule annexed to the said notification in columns 2 and 3 thereof, against 'others' the following entry shall be added, namely:

2	3
"53 Directorate General of Supplies and Disposals, Ministry of Works, Housing and Supply, New Delhi.	Sub-clause 2 of Clause 27 in regard to fixation of special selling price for specified lots of controlled categories of iron and steel defectives and scrap sold by Central Government Departments including projects administered by the Central Government Departments at the highest offer/bid received by the said Department in case the highest bid/offer exceeds the maximum Control price applicable to the specified lots."

[No. SC(A)-22(2)/59.]

H. S. GILL, Under Secy.

(Department of Heavy Industries)

ORDER

New Delhi, the 20th November 1962

S.O. 3521/IDRA/18G/5/62.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order further to amend the Cement Control Order, 1961, namely:—

1. This Order may be called the Cement Control (Fifth Amendment) Order, 1962.

2. In sub-clause (a) of clause 2 of the Cement Control Order, 1961 (hereinafter referred to as the said Order) after the words "and includes", the words and brackets "water-proof (hydrophobic) cement," shall be inserted and the words "water-proof cement" occurring after the words "Oil Well cement" shall be omitted.

3. For sub-clause (1) of clause 6 excepting the provisos, the following shall be substituted, namely:—

"(1) The price at which a producer may sell cement other than—

(i) water-proof (hydrophobic) cement;

(ii) rapid hardening cement; and

(iii) low heat cement;

shall be as specified in the Schedule;"

4. For sub-clause (2)(a) of clause 6 excepting the provisos, the following shall be substituted, namely:—

"(2)(a) The price at which the Corporation may sell cement other than—

(i) water-proof (hydrophobic) cement;

(ii) rapid hardening cement; and

(iii) low heat cement;

to any person shall be Rs. 94'00 per metric tonne free on rail destination railway station plus the excise duty paid thereon."

[No. 1-91/62-CEM.]

CORRIGENDUM

New Delhi, the 14th November, 1962

S.O. 3523.—Whereas by the Notification of the Government of India in the late and Heavy Industries (Department of Heavy Industries) No. S.O. 3074/IDRA/18G/4/62, dated the 1st October, 1962, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii) dated the 1st October, 1962, in line 27, for "30th" read "31st".

[No. 8-26/62-Cem.]

P. R. NAYAK, Under Secy.

MINISTRY OF MINES AND FUEL

New Delhi, the 12th November 1962

S.O. 3523.—Whereas by the notification of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) S.O. 2869, dated the 28th November, 1959 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the lands measuring 1950'00 acres in the locality specified in the Schedule appended to that Notification.

And whereas by the Notification of the Government of India in the late Ministry of Steel Mines and Fuel (Department of Mines and Fuel) S.O. 1691, dated the 15th July, 1961, under sub-section (1) of section 7 of the said Act, notice was issued specifying a further period of one year commencing from 28th November, 1961, as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands;

And whereas the Central Government is satisfied that coal is obtainable in the whole or any part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire:

- (a) the lands measuring 240'00 acres or 97'20 hectares described in the Schedule 'A' appended hereto; and
- (b) the rights to mines, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1760'00 acres or 712'80 hectares described in the Schedule 'B' appended hereto.

The plans of the area covered by this notification may be inspected in the office of the Collector, Surguja (M.P.) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Limited (Revenue Section), "Darbhanga House", Ranchi.

Any person interested in the aforesaid lands may within 30 days of the issue of this notification, file objection to the acquisition of the whole or any part of the lands or of any rights in or over such lands to the Coal Controller, 1, Council House Street, Calcutta.

Drg. No. Rev./68/62

Dated 22-9-62.

'All Right'

Block—I

SCHEDULE 'A'

Sl. No.	Village	Tahsil	Tahsil No.	District	Area in acres and hectares.	Remarks
1.	Katkona	Baikunthpur	—	Surguja		Part.
2.	Reserve Forest			"		Part.
Total area:—					240'00 Acres (Approx.) or 97'20 hectares (Approx.)	

Plot Nos. to be acquired in village Katkona:—

1(P), 55(P), 56(P), 57(P), 58(P), 59, 60(P), 184(P), 185(P), 186 to 189, 190(P), 191, 230, 231(P).

Part of Reserved Forest.

BOUNDARY DESCRIPTION:

A-B line passes along the part common boundary of village Katkona and Reserved forest.

B-C-D line passes through Plot Nos. 1 and 57 in village Katkona.

D-E line passes through Plot No. 57 in village Katkona and Reserved forest.

E-F line passes through Reserved forest.

F-G line passes through Reserved forest and Plot No. 231, part Northern boundary of Plot No. 229, through Plot No. 190 and along the Western boundary of Plot No. 224 in village Katkona.

F-H line passes through Plot No. 190, along the Northern boundary of Plot No. 218 again through Plot No. 190 and along the Northern boundary of Plot No. 192 in village Katkona.

H-I line passes along the Southern boundary of Plot No. 191 through Plots Nos. 190, 185, 184, 57, 60 along Southern boundary of Plot No. 59, through Plot Nos. 57, 55, 56 and 1 in village Katkona.

I-J line passes through Plot Nos. 1, 56, 57, 58 in village Katkona.

J-K-L-M line passes through Plot No. 1 in village Katkona.

M-N-A line passes through Plot No. 1 in village Katkona.

Drg. No. Rev/68/62
Dated 22-9-62.

SCHEDULE 'B'

(Showing lands where rights to mine, quarry, bore, dig and search for, win, work and carry away minerals are to be acquired.)

Block—I "Mining Right"

Sl. No.	Village	Tahsil	Tahsil No.	District	Area in acres & hectares	Remarks
1.	Katkona	Baikunthpur	—	Surguja		Part.
2.	Reserve forest.			"		Part.
Total area:—					1734.75 acres (Approx).	
					or	
					702.57 hectares (Approx.)	

Plot Nos. to be acquired in village Katkona:—

1(P), 57(P), 190(P), 192(P), 193(P), 209(P), 210(P), 212(P), 213(P), 214, (215(P), 216, 217, 218, 219, 220, 221(P), 222 to 229, 231(P), 232 to 261, 262/1(P), 262/2, 263, 264(P), 265 to 268, 269(P), 270, 271(P), 272(P), 323.

Part Reserved Forest.

BOUNDARY DESCRIPTION:

N-O-P-Q-R-S-T line passes through Plot No. 1 in village Katkona and through Reserved forest.

T-H line passes through Plot Nos. 269, 271, 272, 264, 262/1, 209, 210, 221, 213, 212, 215, 193, 192 in village Katkona.

H-G line passes along the Southern boundary of Plot No. 191, Northern boundary of Plot No. 192, through Plot No. 190 along Northern boundary of Plot No. 218 and through Plot No. 190 in village Katkona.

G-F line passes along the Western boundary of Plot No. 224, through Plot No. 190 along the part Northern boundary of Plot No. 229 and through Plot No. 231 in village Katkona and through reserved forest.

F-E-D line passes through Reserved forest and Plot No. 1 in village Katkona.
 D-C-B line passes through Plot Nos. 57 and 1 in village Katkona.
 B-A line is the part common boundary of village Katkona and reserved forest.
 A-N line passes through Plot No. 1 in village Katkona.

SCHEDULE

Block—II

“Mining Right”

Sl. No.	Village	Tahsil	Tahsil No.	District	Area in acres and hectares	Remarks
I.	Katkona	Baikunthpur	—	Surguja		Part.
Total Area:—					25.25 acres (Approx.) or 10.23 hectares (Approx.)	

Plot Nos. to be acquired in village Katkona:—

1(P), 56(P), 57(P), 58(P).

BOUNDARY DESCRIPTION:

I-J line passes through Plot Nos. 1, 56, 57, 58 in village Katkona.
 J-K-L-M line passes through Plot Nos. 57 and 1 in village Katkona.
 M-I line passes through Plot No. 1 in village Katkona.

[No. C2-22(5)/59.]

P. S. KRISHNAN, Under Secy.

ORDERS

New Delhi, the 13th November 1962

S.O. 3524.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that the powers conferred on it by section 3 of the said Act to make orders under clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) of that section, shall, in relation to petroleum and petroleum products, be exercisable also by—

- (i) the State Governments of Bihar, Gujarat, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Punjab, Rajasthan, Uttar Pradesh and West Bengal;
- (ii) the administrators of the Union Territories of Andamans and Nicobar, Delhi and Himachal Pradesh; and
- (iii) the Chief Commissioner of Pondicherry, and with the previous consent of the aforesaid Governments, administrators and Chief Commissioner, by an officer subordinate to it or him, as the case may be, and not below the rank of a District Magistrate.

[No. F. 101(49)/62. PPD.]

S.O. 3525.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that the powers conferred on it by section 3 of the said Act to make orders under clauses (c), (d), (e), (f) (h), (i), (ii) and (j) of sub-section (2) of that section shall, in relation to petroleum and petroleum products (other than Kerosene), be exercisable also by the Chief Commissioner of Manipur and with the previous consent of the Chief Commissioner, by the Deputy Commissioner, Manipur, within the Union Territory of Manipur.

[No. F. 115(11)/60. PPD.]

S. D. BHAMBRI, Dy. Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 15th November 1962

S.O. 3526.—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to “walnut”.

[No. F. 17-8/62-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

New Delhi, the 16th November 1962

S. O. 3527.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 358, dated the 4th February, 1959, namely :—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Sixth Amendment Rules, 1962.
2. In the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, under Class III Non-gazetted posts, after item 21 and the entries relating thereto, the following item and entries shall be inserted, namely :—

I	2	3	4	5	6
<hr/>					
"22. Dairy Draftman	One	General Central Service Class III Non-gazet- ted Non-Minis- terial.	Rs. 335-15-425	Not applicable	Between 25-30 years.

7	8	9	10	11	12	13
1. Intermediate in Architecture.	Not applicable.	Two years	Direct recruitment.	Not applicable	Not applicable.	Not Necessary**
2. Experience of working in an architect firm of repute for a minimum period of four years.						

OR

Experience in a Government organisation for the same period.

[No. 3-10/62-E. IV.]

B. R. KAPOOR, Under Secy.

(Department of Agriculture)

(I.C.A.R.)

New Delhi, the 13th November, 1962

S.O. 3528.—In pursuance of the provisions of Rule 26(4) of the Indian Oilseeds Committee Rules, 1947, framed under Section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby publish the audited accounts of the Indian Central Oilseeds Committee for the year 1960-61, together with the auditor's report thereon.

INSPECTION REPORT NO. 263.

Inspection Report on the accounts of Indian Central Oilseeds Committee, Hyderabad for the period 1960-61.

Secretary: { Dr. R. Sankaran, 60-61.
Dr. M. S. Patel, 30th November, 61 to date.

Local Audit Officer: Shri Narain Behari.

Local Audit Superintendent.—Shri A. C. Srivastava.

Period of A/c. audited: 1-4-1960 to 31-3-1961.

Date of visit: 19-2-1962 to 22-2-1962.

PART I.

(a) *Introductory*: Nil.

(b) *Old Outstanding Objections*.—Inspection Report for the period 1959-60.

PARA 1: *Contingencies*:

Final reply from the Ministry of Food and Agriculture regarding regularisation of the purchase of Tape Recorder is awaited, which may be expedited.

PARA 2: *Recovery of cess duty from various collectorates.*

In spite of demi-official reminders, the items are still pending. An early action is requested to settle the old outstanding dues. The latest position is shown in Annexeure I.

PARA 3: *Interest free loans to Co-operative Societies through State Government.*

Standing Finance sub-committee has decided to charge interest on the belated instalments. This may be brought to the notice of the defaulting parties.

PARA 5: *Participation in World Agriculture Fair.*

(b) and (c). Neither detailed accounts have been received from ICAR nor the pavilion has been disposed of by them so far in spite of repeated reminders. The matter is brought to the notice of the Ministry of Food and Agriculture.

PARA 7.—*Register of Miscellaneous Recoveries*.—(b) The unspent balance of Rs. 400/2/0 out of the grant advanced in 1956-57 has not been refunded so far.

An early action in the matter is requested.

PART II

(Current Audit)

Section 'A'.—Nil.

Section 'B'.—

PARA I.—*Miscellaneous recoveries.*

It was revealed that sum of Rs. 1,995-10 as detailed was recoverable from State Government etc. Early action to recover the amounts may be taken under intimation to audit:

Sl. No.	Date	Amount	Nature of recovery
1.	1.11.1960	364.80	Towards sale proceeds of Wardha Ghanis.
2.	1.11.1960	1630.36	Towards the balance of the grant and sale proceeds of shed bulls and cash balance.

2. *Audit Certificates*—(a) The audit certificates from the State Accountants General in respect of 148 cases amounting to Rs. 57,92,376/21 were still awaited. Latest position has been showing in Annexure II.

Early steps may be taken for expeditious finalisation of the cases.

(b) The scrutiny of audit certificate revealed that a sum of Rs. 39,372/59, *vide* details given in Annexure III was still lying with the various State Governments as unutilised. Necessary action to recover the unspent amounts may be taken up and position intimated to audit.

3. Audit fee for 4 days @ Rs. 140/- *per diem* amounting to Rs. 560/- may be deposited in the State Bank of Hyderabad in favour of Director of Audit F.R.S. C.S.&M., New Delhi.

Rent from I.C.O.C. Estate	3,994.69	Closing Balance on 31st March, 1961 :	
Indian Oilseeds Journal Sale and sub- scription	1,761.10	(a) Investment of funds as on 31-3- 1961—	
Receipts from publications	22,902.48	(1) 3% Conversion Loan 1946- 1986	4,96,093.75
Receipts towards advertisement in In- dian Oilseeds Journal	913.25	(2) 3½% Ten Year Treasury Savings Certificate	50,000.00
Grant from the Central Government in respect of schemes for Technological Research on Vegetable oils during the Second Five Year (As per Schedule X)	8,11,941.00	(3) Post Office National Savings Certificate	1,00,000.00
		(4) 3% Govt. of India Loan, 1964	4,62,968.75
		(5) 2½% Government of India Loan 1962	5,47,312.50
		(6) 3% Government of India Loan 1963-65	4,62,187.50
		(7) 3½% National Plan Loan 1964	1,97,000.00
		TOTAL	23,15,562.50
		(b) Cash in Bank	81,95,686.51
		(c) Imprest cash	252.00
		TOTAL (A), (B) & (C)	1,05,11,500.01
GRAND TOTAL OF RECEIPT;	1,46,27,557.46	GRAND TOTAL OF PAYMENT	

*Unspent balance received in respect of Category 'A' Schemes Project on Non-edible Oils at National Chemical Laboratory, Poona.

I have examined the foregoing accounts of Indian Central Oilseeds Committee, Hyderabad. I obtained all the information and explanation that I required, and subject to the observations in the separate Audit Report/Test Audit Note, I certify that in my opinion these Accounts and Balance Sheet are properly drawn up so as to exhibit a true and fair view of the State of affairs of the concern according to the best of my information and explanation given to me and as shown by the books of the concern.

Sd/- NARAIN BIHARI,
Local Audit Officer,
Camp : Hyderabad.

[No. 8-55/61-Com-II]

New Delhi, the 16th November 1962

S.O. 3529.—The Government of Maharashtra having nominated Shri Hariish Chandra G. Patil of Bordi, District Thana, as a member of the Indian Central Coconut Committee under Clause (b) of Section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that Shri Hariish Chandra G. Patil aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

S.O. 3530.—The Government of Maharashtra having nominated the Director of Agriculture, Maharashtra as a member of the Indian Central Coconut Committee under clause (d) of Section 4 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby notifies that the Director of Agriculture, aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

N. K. DUTTA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 16th November 1962

S.O. 3531.—The Government of Madras having in exercise of the powers conferred by clause (e) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), re-nominated Shri K. R. Srinivasan, Government Analyst, King Institute, Guindy, Madras, to be a member representing that Government on the Central Committee for Food Standards, the Central Government in exercise of the powers conferred by sub-section (1) of the said section 3, hereby directs that the said Shri K. R. Srinivasan shall be a member on the said Central Committee for Food Standards.

[No. F. 14-54/61-PH.]

S.O. 3532.—The Central Ministry of Food and Agriculture having in exercise of the powers conferred by clause (d) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), re-nominated Shri R. K. Malik, Senior Marketing Officer, Directorate of Marketing and Inspection, Ministry of Food and Agriculture, to be a member representing that Ministry on the Central Committee for Food Standards, the Central Government in exercise of the powers conferred by sub-section (1) of the said section 3, hereby directs that the said Shri R. K. Malik shall be a member on the said Central Committee for Food Standards.

[No. F.14-54(A)/61-PH.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Communications and Civil Aviation)

(P. & T. Board)

New Delhi, the 17th November 1962

S.O. 3533.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendments to the rules for recruitment to the posts of Exchange Inspectors, Grade I and other equivalent posts in the Telephone Districts at Bombay, Calcutta and Madras published with the Notification of the Government of India in the late Ministry of

Communications (Posts and Telegraphs) No. STA 117-14/49, dated the 19th May, 1953, namely:—

In the said rules.—

(1) in the preamble for the words and figure "Exchange Inspectors, Grade I and other equivalent posts" the words and brackets "Engineering Supervisors (Exchange) and other equivalent posts reserved for ex-company officials" shall be substituted;

(2) In rule 1,

(a) in sub-rule (1), for the words and figure "Exchange Inspectors, Grade I and equivalent posts", the words and brackets "Engineering Supervisors (Exchange) and other equivalent posts reserved for ex-company officials" shall be substituted;

(b) in sub-rule (2), for the words and figure "Exchange Inspectors, Grade I", the words and brackets "Engineering Supervisors (Exchange)" shall be substituted;

(3) for rule 7, the following rule shall be substituted, namely:—

"Before the commencement of the examination, an announcement shall be made indicating the number of vacancies or posts which are proposed to be filled on the results of the examination.";

(4) for rule 8, the following rule shall be substituted, namely:—

"The posts of Engineering Supervisors (Exchange) and other equivalent posts which existed on the 1st April, 1943 in the Telephone Districts of Calcutta, Bombay and Madras, shall continue to be reserved for the officials of the late Bengal Telephone Corporation, Bombay Telephone Company and Madras Telephone Company, respectively, so long as suitable ex-company officials are available. The appointments against the above posts shall be made from among the ex-company officials through the "Engineering Supervisors Examination for Reserved Posts for Ex-company Officials".

(5) In case sufficient number of ex-company officials is not available, the unfilled posts shall be filled by Engineering Supervisors appointed otherwise than through the above examination till ex-company officials become available on the results of subsequent examinations.";

(i) in appendices A, B and C.—

(i) for the words, figure and letter "Exchange Inspectors, Grade I" and "Exchange Inspectors, Grade A", wherever they occur, the words and brackets "Engineering Supervisors (Exchange)" shall be substituted;

(ii) for the words and letter "Cable Foremen" and "Cable Inspectors, Grade A", wherever they occur, the words and brackets "Engineering Supervisors (Cable)" shall be substituted;

(iii) for the words and letter "Power Supervisors", "Installation Inspectors, Grade A" and "Line Inspectors, Grade A", the words and brackets "Engineering Supervisors (Power)", "Engineering Supervisors (Installation)" and "Engineering Supervisor (Line)", respectively, shall be substituted.

[No. 79/2/59-STA.]

I. P. GUPTA,

Assistant Director General (SG).

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 15th November, 1962.

S.O. 3534.—The Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Scientific Research

and Cultural Affairs No. F. 24-5/62-T. 6(i) dated the 31st October, 1962, namely:—

In the said notification, the following shall be inserted, namely:—

(1) Under the heading "(c) Nominees of the State Governments", after entry (iii),—

"(iv) Shri P. C. Datta, Principal Engineering College, Jorhat."

(2) Under the heading "(d) Nominees of the Council", after entry (iii),—

"(iv) Shri J. M. Shrinagesh, Chairman, Hindustan Steel Ltd, P.O. Hinoo, Ranchi."

[No. F. 24-9/62-T. 6(1).]

S.O. 3535.—The Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 24-5/62-T. 6(ii) dated the 31st October, 1962, namely:—

In the said notification, the following shall be inserted, namely:—

(1) Under the heading "(c) Nominees of the State Governments", after entry (ii),—

"(iii) Shri S. K. Katrak, Director of Technical Education, Government of Gujarat, Ahmedabad."

(2) Under the heading "(d) Nominees of the Council", after entry (iii),—

"(iv) Shri S. Sarangapani, Resident Director, Heavy Electricals (India) Ltd., Bhopal."

[No. F. 24-9/62-T. 6(ii).]

S.O. 3536.—The Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 24-5/62-T. 6 (iv), dated the 31st October, 1962, namely:—

In the said notification, the following shall be inserted, namely:—

(1) Under the heading "(d) Nominees of the Council", after entry (iii),—

"(iv) Shri M. S. Mehta, Vice-Chancellor, University of Rajasthan, Jaipur."

(2) After the heading "(d) Nominees of the Council",—

"(e) *Nominee of the Senate.*
Dr. D. S. Muthana."

[No. F. 24-9/62-T. 6(iii).]

G. K. CHANDIRAMANI, Jt. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th November 1962

S.O. 3537.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Punjab, Shri J. M. Tandon, P.C.S. as Additional Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over the charge of his office.

[No. 7(10)ARG/62.]

New Delhi, the 15th November 1962

S.O. 3538.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 18 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954) the Central Government hereby appoints for the State of Punjab, Shri M. S. Kapoor, Managing Officer in the office of the Regional Settlement Commissioner, Jullundur as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of his office.

[No. 7(12)ARG/62.]

New Delhi, the 16th November 1962

S.O. 3539.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 18 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints for the State of Punjab, Shri Harish Chander Chaudhry, Managing Officer in the office of the Regional Settlement Commissioner, Jullundur as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of his office.

[No. 7(13)ARG/62.]

New Delhi, the 19th November 1962

S.O. 3540.—In exercise of the powers conferred by sub-section (1) of Section 8 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Central Government hereby appoints Shri D. C. Chahal as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/247/ARG/CSC/62.]

KANWAR BAHADUR,
Settlement Commissioner (A) & *Ex-Officio*,
Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 19th November 1962

S.O. 3541.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works Housing and Supply, Government of India, New Delhi.

SCHEDULE

Piece of land measuring 600 sq. yds. bearing khasra Nos. 425/29 & 426/29 situated in Qudam Shariff Estate.

The above piece of land is bound as follows:—

NORTH: Gali No. 10.

SOUTH: Gali No 9.

EAST: Khasra No. 424/29.

WEST: Khasra No. 427/29 & Mundhawala Road.

[No. L. 2(6)53.]

R. K. VAISH, Secy.
Delhi Development Authority.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 14th November 1962

S.O. 3542.—In pursuance of the provisions of regulation 16 of the Coal Mines Regulations, 1957, and in supersession of all the previous notifications on the subject, the Central Government hereby approves the institutions mentioned in column I of the table below in respect of such degrees, diplomas or certificates awarded by them as are specified in the corresponding entry in column II of the said table.

TABLE

Name of Institution I	Degree, Diploma or Certificate awarded. II
India	
1. Any University in India established by law.	Degree in Mining.
2. Bengal Engineering College, Sibpore.	Diploma in Mining (issued up to 1929).
3. Indian School of Mines and Applied Geology, Dhanbad.	(i) Certificate in Coal Mining (issued upto 1950-51) and (ii) Diploma of Associateship in Mining Engineering.
United Kingdom	
1. Armstrong College, New-Castle-on Tyne.	Diploma in Mining.
2. Birmingham University.	Degree of B.Sc. in Mining and Diploma in Mining.
3. Cambridge and Birmingham Universities.	Joint Coal Mining Diploma.
4. Durham University.	Degree of B.Sc. in Mining.
5. Durham University.	Honours Degree of B.Sc. in Mining.
6. Edinburgh University.	Degree of B.Sc. and B.Sc. in Mining and Metallurgy.
7. Glasgow University.	Degree of B.Sc. in Mining Engineering.
8. Glasgow University.	Certificate of Proficiency in Mining.
9. Heriot Watt College, Edinburgh.	Certificate in Mining Engineering.
10. Heriot Watt College, Edinburgh.	Diploma in Mining Engineering.
11. Leeds University.	Degree of B.Sc. in Mining and Diploma in Mining.
12. London University.	Degree of B.Sc. in Mining for Internal Students subject to the Degree being endorsed by the University with a Certificate of four months' practical experience in a mine.
13. London University.	Degree of B.Sc. in Mining for External Students.
14. Victoria University, Manchester.	Degree and Certificate in Mining.
15. Nottingham University College.	Diploma of Mining Engineering.
16. Oxford and Birmingham Universities.	Diploma in Coal Mining which is granted by the two Universities jointly.
17. Royal School of Mines.	Associateship in Mining.
18. Sheffield University.	Diploma in Mining.
19. Sheffield University.	Degree of Bachelor of Engineering (Mining).
20. University College of South Wales and Monmouthshire and the South Wales and Monmouthshire School of Mines.	Diploma which is granted by the two institutions jointly.
21. University of Wales	Degree of B.Sc. in Mining Engineering.
22. Wigan Mining and Technical College.	Diploma in Mining.

I

II

U.S.A.

- | | |
|--|---|
| 1. California University. | Degree of Mining Engineering. |
| 2. Carnegie Institute of Technology.
Pittsburgh. | Degree of Bachelor of Science in
Mining Engineering. |
| 3. Colorado School of Mines | Degree in Mining Engineering. |
| 4. Columbia University, New York. | Degree of Engineer of Mines. |
| 5. Harvard University, Cambridge,
Massachusetts. | Diploma in Mining Engineering. |
| 6. Leland Stanford Junior Univer-
sity, California. | Degree of Bachelor of Arts in
Geology and Mining. |
| 7. Pittsburgh University. | Degree of Engineer of Mines. |

West Germany

- | | |
|----------------------------|--------------------------------|
| 1. Bergakademie Clausthal. | Diploma in Mining Engineering. |
|----------------------------|--------------------------------|

[No. F. 17/5/62-MI(i).]

R. C. SAKSENA, Under Secy.

New Delhi, the 14th November 1962

S.O. 3543.—In pursuance of section 17, of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Chirimiri Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-12 of 1962

Employers in relation to the Chirimiri Colliery

AND

Their workmen

PRESENT:

Shri Salim M. Merchant, *Presiding Officer*.

For the workmen.—Shri Gulab Gupta, General Secretary, Shri R. M. Sen, Deputy General Secretary and Shri R. B. Ganguli, Member Executive Committee of Madhya Pradesh Colliery Workers' Federation with Shri Shyam Lal Sharma, and Shri Ramniklal, Secretaries Chirimiri Colliery Union of the Madhya Pradesh Colliery Workers' Federation.

For the employers.—Shri B. Narayanswami, Advocate and Shri D. O. Sanghvi, Advocate instructed by Shri D. R. Bhagwal, Chief Personnel Officer, Shri D. K. Sengupta, Senior Assistant Manager and Shri I. S. Rathaur, Additional Personnel Officer.

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

Bombay, dated 5th November, 1962

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 8/46/62-LRII, dated 28th May, 1962, made on the joint application of the parties in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947, (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the following

subject matters specified in the schedule to the said order, to me for adjudication:—

SCHEDULE.

"A (i) Whether the casual and badli workers of Chirimiri Colliery are entitled to paid festival holidays and if so, to what relief these workers are entitled and from which date.

(ii) Whether the casual and badli workers of the aforesaid colliery are entitled to wages at overtime rates for work on paid festival holidays and, if so, to what relief the workers are entitled and from which date.

B. Whether the mining sirdars, despatch clerks assistance despatch clerks, monthly paid workmen of the Engineering Department hospital staff and monthly paid bungalow servants of Chirimiri Colliery, who have worked on Sundays and paid Festival Holidays and have been paid single wages for the said days with compensatory rest days, are entitled to payment of any extra wages, and if so, to what extent and from which date."

2. After the parties had filed their written statements, the dispute at the request of the workmen, was fixed for hearing at Jabalpur on 18th October, 1962, when the submissions of the parties were heard.

3. After some discussion on Demand No. B, the parties recorded the following agreement:—

With regard to remand No. B, the Company says that it has been paying these categories of workmen at double the rates of wages in respect of work on Sundays and Rest days and at treble the rate of wages for work done on Festival holidays, since July, 1960, and it will satisfy Shri Gulab Gupta or any other representative of the Madhya Pradesh Colliery Workers' Federation deputed by him, of such payment having been made; if, however, payment at these rates has not been made, it shall be paid within three months to these categories of workmen with effect from 1st July, 1960.

The Company further states that those monthly paid workmen, of categories mentioned in demand No. B—who are entitled to payment for overtime work—(whether under the provisions of the Mines Act, 1962, as amended with effect from 16th January, 1960, or its rules or under the terms of any settlement or Award)—are paid overtime payment at twice the rates calculated on 1/26th of their monthly basic wage including dearness allowance, as required by standing order No. 6 and the Company states that it has been paying at that rate since 1st July, 1960, and it will satisfy Shri Gulab Gupta, or any person whom he deposes, from its records that such payment has been made. If, however, it is established that payment has not been so made the Company agrees that it shall make payment at that rate from 1st July, 1960. The Company further states that it has been paying overtime allowance at this rate to certain categories of workmen who are not entitled to the same, as *ex-gratia* payment, but it agrees that it will continue to make payment at that rate. The Union however, does not admit that such payment is *ex-gratia*."

4. Parties requested that, I should make an award on demand No. B, under reference, in the terms of settlement recorded above and as I am satisfied after hearing the representatives of the parties that in the facts and circumstances of the case, these terms of settlement are fair and reasonable, I make an Award in terms thereof on demand No. B.

5. Before dealing with the two subject matters under demand A, I might state that Shri Gulab Gupta for the Union rightly conceded at the hearing that they did not call for a finding whether the casual and the badli workers in Chirimiri Colliery are in fact permanent workmen and that it is not on the footing of their being permanent workmen that these demands have been made.

6. Now, what the union has claimed under demand No. A(i) is that the casual and badli workers be paid for the 7 paid festival holidays prescribed by the Coal Award, for all workmen who are on the Muster Roll of the Company. The Union

In its written statement has argued that this privilege is available to all classes of employees including temporary or so called casuals; that the Company has a system of employing temporary hands on permanent jobs describing them as casual and that such casual workers have been working in the colliery on different jobs for many years, and that the casual workers are, therefore, really temporary workers as defined in the Standing Orders of the Company and, therefore, under the definition of "workmen" under section 2(s) of the Industrial Disputes Act and of "employee" under the Company's Standing Orders, they are entitled to all amenities and privileges like other workmen. In its written statement the union has argued that the demand owes its origin to the Coal Award and that the Company has acted arbitrarily in refusing this benefit to its temporary or casual workers. It has, therefore, claimed that this demand should be granted with retrospective effect from 26th May 1956, the date of the Coal Award.

7. In its written statement the Company has stated that the Company has a mechanical loading plant and it is only when there is a supply of covered wagons or the plant cannot be worked on some days, that the Company employs casual wagon loaders through contractors; that these workmen are contractors' employees and not of the Colliery; that there is no relationship of employer and employee between them and the contractors workmen. The Company has further stated that it does occasionally employ casual workers for casual works. It has stated that it engages "Badli" workers to do badli work in accordance with the provisions of its standing orders, in place of permanent workmen who are temporarily absent or on leave. It has stated that the benefit of 7 paid festival holidays granted by the directions contained in Para 829 of the Coal Award applies only to the permanent workmen and to those "badlis" who have put in the requisite number of days prescribed under the Mines Act to earn privilege leave and to none others; that since the nature of work done by casual workers is essentially of a casual nature, they are not entitled to any of the benefits of permanent workers under the Mines Act or the Coal Award; that the badli and casual workers of this colliery by the very nature of their work are not regular employees and cannot, therefore, be treated as being on the Muster Roll of the Company and are consequently not entitled to the benefit of the 7 paid Festival Holidays; that the payment for paid festival holidays has to be made to only those workers to whom, but for the Festival Holiday, the management would have been entitled to give work to and that as it was not obligatory on the employer to give employment to casual and badli workers each day of the week—as their employment depends upon the exigencies of the situation and requirements of work—they were not entitled to and could not claim wages on paid festival holidays. The company has urged that permanent workmen who are on leave are paid wages for the festival holidays, which fall during the period of their leave and that to grant the badli worker also the benefit of the same paid festival holiday would mean granting the benefit to two persons for the same job on the same day. It has also opposed the demand on the ground of the financial burden it would impose on the company.

8. At the hearing, Shri Gulab Gupta admitted that normally casual and badli workers are not entitled to be paid on paid festival holidays without working on them. He, however, argued that under certain circumstances, they would become so entitled. He urged that if the paid festival holiday falls between two working days on which the casual or badli worker was employed he would be entitled to be paid for the festival holiday without working on that day. The test, according to him, was whether he would have got employment on the festival holiday, if the same were not a holiday. According to him to deny the casual or badli worker employment or payment for the festival holiday, was to make a break in the continuity of the relationship of employer and employee. He, therefore, confined the demand for paid festival holidays in respect of those casual and badli workers who were given employment a day prior to and a day after the paid festival holiday.

9. I am of the opinion that the claim is not substantiated. In my opinion, Shri B. Narayanswami, the learned Advocate for the Company, has rightly pointed out that the distinction between a permanent workman and a casual and badli worker, is that the former is as of right entitled to claim work and if the employer does not give him work—the workman can get wages or compensation for the days on which he is not given work, whilst there is no such right to claim work in a casual worker, who gets employment and wages only on days when the management has got work for him. With regard to Badli worker, he can claim no right to work after the period for which he is on 'badli' for the permanent

workman, has expired. Shri Narayanswami has, however, suggested that though a badli worker is not a permanent worker, if a paid holiday falls during the period in which he is substituting for the permanent workman, and the badli period is fixed in advance he may be granted the benefit of the paid festival holiday, provided the "badli" period was of a fairly long duration. I am inclined to consider this suggestion of Shri B. Narayanswami as fair. The direction contained in para 829 of the Coal Award also supports the submissions of the management, as the benefit of the seven paid festival holidays is to be granted to only those workmen whose names are borne on the Muster Roll of the Company. After hearing the submissions of the parties, I am satisfied that the "Muster Roll" referred to by the Coal Award has reference to Muster Roll of permanent workers only, and not to any registers required to be maintained by the colliery under any of the provisions of the Mines Act or its rules or the Coal Mines Bonus Scheme, as argued by Shri Gulab Gupta. It is difficult to see how this benefit can be claimed for workman, who, cannot as of right, under the contract of their employment, claim employment on any particular day. Casual workers by the very nature of their employment get work of a casual nature, which in this colliery appears to be from day to day—and, therefore get employment only on such days as the employer is prepared to offer them work; they, therefore, cannot claim the benefit of paid festival holidays as of right. It was because Shri Gulab Gupta realised the force of this contention that he stated at the hearing that he was making this demand for those workmen who had been given employment on the day prior and the day after the day on which the paid festival holiday fell. But even so, this modified demand cannot be conceded to casual workers whose nature of employment does not alter even if their employment extends over three days.

10. Nor am I satisfied that there is anything in the standing orders of the company which would entitle the casual workers to this benefit.

11. With regard to the badli workers, I accept Shri B. Narayanaswami's suggestion, but I think it would be fair to give the benefit of the paid Festival Holiday to a badli worker, who has worked as a Badli for a permanent workman for at least one week prior to the day of the Festival Holiday and not a fortnight, as suggested by Shri Narayanaswami. I would, therefore, direct that badli workers who are substituting for a permanent workman for at least one week prior to the date on which the paid festival holiday falls would be entitled to the benefit of the paid festival holiday i.e. they would be entitled to be paid wages for the paid festival holiday without working on it, and I order accordingly. I further direct that this benefit should be granted with effect from 1st April 1962. I am fixing this date because this reference was made on a joint application of parties dated 12th April 1962.

12. Demand No. A(ii).—It now remains to consider demand No. A (ii) which is whether the casual and badli workers of this colliery are entitled to wages at overtime rates for work on paid festival holidays, and if so to what relief they are entitled and from what date. Shri Gulab Gupta has claimed that both casual and badli workers should be paid their normal wages and overtime wages at twice the rate i.e., three times the normal wages, if they are made to work on paid festival holidays, and in support he has argued that the conditions of service of casual, temporary and permanent workmen are the same. He has argued that casual and badli workers should be treated as at par with permanent workmen as far as their work goes and that for work on paid festival holidays the casual and badli workers should get the same wages as permanent workmen.

13. Shri Narayanaswami, in opposing this demand for casual workers, has advanced the same arguments as he did in opposing the grant of paid festival holidays to them. [Demand No. A(i) herein]. In my opinion, there is no case made out for the claim for anything more than "the normal day's" wages for a casual worker employed on a paid Festival Holiday as in my opinion the benefit of paid Festival Holiday is really a service benefit granted to permanent employees. By the very nature of his employment the casual worker is to be paid for the day on which he works and considering the casual nature of his employment, it is difficult to see how he could get the benefit of higher wages for work on each paid festival holiday. If the demand had been restricted to one for payment of higher wages for working on the two National Holidays, it might have had some merit worth considering. In my opinion the claim for wages at overtime rates to casual workers for working on paid Festival Holidays is not justified and is, therefore, rejected.

14. With regard to the Badli workers, Shri B. Narayanswami in opposing this demand has relied upon the decision of a Division Bench of the Labour Appellate Tribunal (Shri J. N. Majumdar, Chairman and Shri R. C. Mitter, Member) in the case of Neillmarla and Chittvalsa Jute Mills (1953 II LLJ p.512), where a demand for retention allowance for those Badli workers whose names are borne on the Badli register and who had to report for work every day, was rejected on the ground that "badli workers" are not the workmen of the Company save and except when they are taken in for work. However, at the hearing Shri B. Narayanswami offered that if a Badli worker is called for work on a paid Festival Holiday, he may be paid twice his wages but not three times his normal as claimed by the union. He has argued, that the badli worker cannot claim the same wages as a permanent workman for working on paid festival holidays, and I am inclined to accept this contention. I would, therefore, direct that a badli worker who is required to work on a paid Festival Holiday, shall be entitled to payment of twice the wages for the day i.e. his normal wages for the day plus an equivalent amount by way of extra wages. I further direct that this benefit shall be granted with effect from 1st April 1962.

15. I further direct that all dues under this award shall be paid by the company within a month of the date from which it comes into operation.

16. At the hearing the management agreed to pay to the four representatives of the workmen who attended the hearing of this dispute at Jabalpur, their Railway fares to Jabalpur and back to the Colliery and I direct that the Company shall pay the same to them within a month of the date of this Award. No other order for costs.

(Sd.) SALIM M. MERCHANT, Presiding Officer,
Central Government Industrial Tribunal, Bombay.

[No. 8/46/62-LRII.]

S.O. 3544.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to Messrs North Badjna Coal Company Private Limited and their workmen.

**BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA**

REFERENCE No. 27/C of 1962.

Employers in relation to M/S North Badjna Coal Co. Private Ltd., and their workmen.

For the Management.—Shri P. K. Biswas, Manager.

For the Workmen.—Shri Lalit Kumar Burman, Secretary, Indian Mines Workers' Federation, Dhanbad.

AWARD

Dated the 31st October 1962.

The Government of India, Ministry of Labour and Employment, by their Notification, dated the 31st July, 1962, has referred this industrial dispute between the employers in relation to the North Badjna Colliery of Messrs North Badjna Coal Co. Private Ltd., and their workmen to this Tribunal for adjudication u/s 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947. The specific matter in dispute is as follows:—

"Whether the action of the management of North Badjna Colliery of M/S North Badjna Coal Company Private Limited, P.O. Khas Jeenagora, District Dhanbad, in stopping Shri Monbodh Rewani, driver, from work with effect from the 4th June, 1962, and later in terminating his services from the 14th June, 1962, was justified; if not, to what relief is Shri Rewani entitled?"

2. Monbodh Rewani was employed as a truck driver in this colliery since 1956. On 3rd June, 1962, which was a Sunday and a rest day, he was called by the Director of the Company from his quarters. The allegation of the workman

is that he was sick for which he was late by about 15 minutes in reaching the Director's bungalow. What happened there is not clearly stated by the workman in his written statement. He merely states that he never refused to work nor asked for final settlement of his dues. It is said that on 4th June, 1962, the workmen went to his duty but found another driver going out with the truck. He asked for work but the Director refused to give him any work and ordered him to quit after taking final payment. On 7th June, 1962, a charge-sheet was issued against the workman. The workman gave his explanation and an enquiry was held on 14th June, 1962, when statements of witnesses in support of the charges were recorded. On 15th June, 1962, the workman was dismissed on charges of disobedience of orders and remaining absent from duty without information. The case of the workman is that the order of dismissal was entirely illegal and *malafide*.

3. The management contended at the outset that this was an individual dispute and as such it was outside the purview of the Industrial Disputes Act. It was asserted that the dispute has not been sponsored by the majority of workmen or by any union representing a substantial number of workmen of the colliery. This plea was not, however, pressed at the hearing. So far as the merits of the case are concerned the case of the management is that on 3rd June, 1962, Monbodh Rewani was sent for by the Director for some urgent colliery work. At first the workman refused to come but on repeated call he saw the Director but refused to work and asked for final settlement of his dues immediately. He also remained absent from duty with effect from 4th June, 1962. It is said that a charge-sheet, dated 7th June, 1962, was issued to which the workman gave a reply on 11th June, 1962. The departmental enquiry was held on 14th June, 1962, in the presence of the workman who was given full opportunity to cross-examine the witnesses and defend himself. It is said that in the departmental enquiry the misconduct of the workman was established and he was dismissed by a letter, dated 15th June, 1962. The management denied that Monbodh Rewani was stopped from work from 4th June, 1962. According to the management the dismissal was *bona fide* and for proved misconduct and there was no question of victimisation.

4. In matters of disciplinary action an industrial tribunal will be misdirecting itself if it insists upon conclusive proof of guilt on the part of the workman to be adduced by the management in the enquiry before the Tribunal. The Tribunal has only to find out whether there was justification for the management to punish the employee and whether a case of misconduct has been made out at the enquiry held by it. The Tribunal has not to decide for itself whether the charge framed against the workman has been established to its satisfaction where the management has not been actuated by any sinister motive or has not indulged in unfair labour practice or the workman had not been victimised for any trade union activities. The Tribunal has only to be satisfied that the management was justified in coming to the conclusion that the charge against the workman was well-founded.

5. It has not been suggested that the action taken against the workman in this case was actuated by any ulterior motive or that it was a case of victimisation or unfair labour practice. All that was suggested was that the evidence in support of the charge was unreliable. It was contended by the union that the workman had never refused to carry out any orders and hence the charge of disobedience was not sustainable. So far as the evidence is concerned it is manifest that the Tribunal would be going beyond its jurisdiction if it takes upon itself the task of re-appraising it. The evidence led at the enquiry and also before the Tribunal *prime facie* shows that the workman was guilty of gross disobedience. Two witnesses Chattu Turi and Arvinda Mazumdar had stated that they went to call the workman but he refused to come. Eventually on the intervention of one Motilal Ghose, to whose office Monbodh had gone after the above incident, he went to see the Director. Monbodh in his statement recorded at the enquiry admitted that he had told Chattu Turi that he would not be able to go immediately and that he would see the Director afterwards. He also admitted that later on Arvinda Mazumdar came to call him. His plea that he was indisposed is not borne out by any independent or reliable evidence. Arvinda Mazumdar stated at the enquiry that when the Director told Monbodh that nobody could work at his own sweetwill and that he had called Monbodh for some urgent work Monbodh replied that he would not work and that his dues should be paid up. Saying this he left. What the nature of the work was has been explained by the Director. It appears that the ropeway along which coal used to be despatched had gone out of order and hence some materials, necessary for the repair of the ropeway, were required to be brought from Dhanbad before 8 A.M. on 3rd June.

1962. Instructions had also been issued to the driver on 2nd June, 1962, that he should see the Director at 6 A.M. on 3rd June, 1962 and take out the truck to Dhanbad for bringing the articles in question. The Director further stated that in view of the worker's refusal to go out on duty there was delay in changing the ropeway with the result that coal could not be transported for 4 or 5 days.

6. It was faintly suggested on behalf of the workman that the latter was not liable to go out on duty on Sunday which was a rest day. There is, however, no substance in this contention. In an emergency the Director is entitled to call upon a workman to come to duty even on a Sunday. It is undisputed that when a workman is compelled to work on a Sunday he is paid overtime and is given a rest day in lieu thereof. There was, therefore, no justification on the part of the worker to refuse to work on 3rd June, 1962. It was also submitted that there was no question of disobedience of orders in this case even if it be assumed that the workman had asked for final payment. I am not impressed with this argument. The workman was required to go out on urgent work. Instead of complying with the order he asked for final settlement of his dues. This clearly amounted to disobedience of orders.

7. On behalf of the management it has further been stated that the workman absented himself from duty with effect from the following day. According to the workman he went to his place of duty on 4th June, 1962, but was refused work. Except the bare testimony of the workman himself there is no evidence to show that he had gone to his place of work on 4th June, 1962. On the contrary it was on 5th June, 1962 that he wrote a letter to the Manager stating that he was sitting idle since 4th June, 1962 and should be allowed to resume his duty. I am, therefore, satisfied from the evidence that the charges of disobedience and remaining absent from duty have both been established and it is not a fit case which calls for interference. I hold that the act of the management was fully justified and the workman is not entitled to any relief.

8. I make my award accordingly. There will be no order as to costs.

(Sd.) H. K. CHAUDHURI,

Presiding Officer,

Recorded at my dictation & corrected by me.

H. K. CHAUDHURI,

Central Govt. Industrial Tribunal, Patna.

P.O., Central I.T., Patna,

31-10-62.

[No. 2/74/62-LRII.]

S.O. 3545.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the matter of an application under Section 33A of the said Act from Shri Jagannath Mahato, underground Trammer, East Bastacolla Colliery, C/o Colliery Mazdoor Sangh, Dhanbad.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA

MISC. CASE No. 13/C OF 1962

Jagannath Mahato, Underground Trammer, East Bastacolla Colliery, C/O Colliery Mazdoor Sangh, Dhanbad—*Complainant*.

Vs.

Management of East Bastacolla Colliery, Dhanbad—*Opposite Party*.

For the Complainant—Shri S. Das Gupta.

For the Opp. Party—Shri B. L. Agarwala and Shri K. C. Gupta.

AWARD

Dated the 31st October, 1962.

By a Notification dated the 13th October, 1961, the Government of India, Ministry of Labour and Employment, referred an industrial dispute between the employers in relation to the East Bastacolla Colliery and their workmen to the Industrial Tribunal, Dhanbad. The matter in issue was whether the suspension of the present complainant for 10 days in June, 1961, by the management was justified. Later on by notification No. 8/28/62-LRII, dated the 3rd April, 1962, the Central Government constituted another Industrial Tribunal with myself as

Presiding Officer with headquarters at Patna. By the said notification the reference pending before the Presiding Officer, Industrial Tribunal, Dhanbad was withdrawn and transferred to this Tribunal with direction that it should proceed with the reference from the stage at which it was transferred. In due course the reference was disposed of by an award dated the 30th May, 1962, which was published by the Government of India on the 12th June, 1962. On 7th June, 1962, the applicant filed the present application u/s 33A stating that the management had during the pendency of the aforesaid reference dismissed him on 16th October, 1961, without obtaining the approval of the Tribunal. The dismissal is challenged by the applicant as illegal, arbitrary and in contravention of the provisions of the Standing Orders. It is submitted that the applicant was placed under suspension by an order, dated the 30th September, 1961, without any chargesheet or without any explanation being called for. It was alleged in that letter that reports had been received that the applicant "excited the other trammers" and was not "working wholeheartedly". On 3rd October, 1961, the applicant submitted a reply stating that the allegations made against him were baseless and that the order of suspension was illegal and arbitrary. On 10th October, 1961, the management wrote to the applicant stating that he should appear with his witnesses at the colliery office on 14th October, 1961, at 10 a.m. when an enquiry would be held in his case. In reply to this notice the applicant wrote to the management on 13th October, 1961, stating that the management's letter did not disclose what the charges were in regard to which the enquiry was going to be held. He once again challenged the order of suspension as illegal and stated that there was no reason why any enquiry should be held at all. On the date fixed for enquiry the applicant did not appear whereupon the enquiry was held in his absence. The proceedings filed in court show that quite a large number of witnesses were examined in the course of the enquiry. On 16th October, 1961, the management passed an order of dismissal holding that it had been proved conclusively that (a) the applicant was in the habit of sleeping in the mine, (b) he was in the habit of abusing miners and behaving in a disorderly manner in the mine, (c) that instead of attending to his work as trammer he used to make propaganda in the mine with a view to enlist members for his union and (b) that despite the increase in the tramping rate he encouraged his trammers to indulge in a go-slow policy for which the miners, the trammers and the management suffered. It is this order against which the present application has been filed. It is undisputed that the management never asked for the Tribunal's approval for the action taken against the applicant.

2. According to the management a chargesheet, dated 30th September, 1961, was duly issued against the applicant and he was suspended pending enquiry and decision in the matter. The explanation submitted by the workman in his letter, dated 3rd October, 1961, being found unsatisfactory 14th October, 1961, was fixed for holding the enquiry in his case. It is said that in spite of notice of the date of enquiry the applicant did not participate in it and the enquiry had to be held *ex parte*. As a result of the enquiry the applicant was found guilty of misconduct and hence he was dismissed on 16th October, 1961. The management denies that the act of dismissal was in any manner unjust and arbitrary as the workman was allowed every opportunity to defend himself in the domestic enquiry.

3. As annexure IV to its written statement the management has filed the papers relating to the enquiry consisting of the statements of a large number of witnesses. The applicant admittedly did not attend the enquiry although he had adequate notice of it.

4. The main grievance of the applicant is that although he was called upon to face an enquiry he was never given any chargesheet specifying what the allegations against him were. It is pointed out that the charges specified in the final order such as sleeping during duty hours, abusing co-workers and being guilty of disorderly conduct, making propaganda in the mine with a view to enlist members for his union and encouraging workmen to indulge in go-slow, were never served on him. The management, however, contends that the charges against the applicant were duly mentioned in its letter dated the 30th September, 1961 and that the facts found at the enquiry, such as, sleeping during duty hours, encouraging people to go-slow etc., were mere items of evidence in support of those charges. There is no doubt that the charges framed on 30th September, 1961, are somewhat of a general nature but it must be remembered that a domestic enquiry is not conducted with the rigidity of a judicial trial and it would be expecting too much if the charges are required to be framed with the precision of a charge in a criminal proceeding. It cannot be said that the charges as framed were vague. The test as to the sufficiency or otherwise of a charge is as

to whether it connotes the nature of the alleged offence which would enable the employee to meet it. I am unable to hold that the charge of exciting co-workers against the management or that the applicant was not doing his work wholeheartedly, which amounts to stating that he was not putting forth his best and was going slow, are vague. The findings arrived at the domestic enquiry are fully borne out by the evidence of a large number of witnesses. The evidence discloses that this workman was in the habit of sleeping in the mine, that he used to waste his time in union work while on duty and that he used to incite the workers to do less work.

5. The plea that the applicant had not had sufficient opportunity to defend himself cannot be accepted. It is true that in its letter, dated 30th September, 1961, the management did not specifically call for an explanation from the workman. The workman, however, did submit an explanation denying the allegations contained in that letter. Then again he was asked to bring witnesses and defend himself at the enquiry. He deliberately refused to participate in the enquiry stating that no enquiry was necessary at all. In these circumstances I am not prepared to hold that the applicant is entitled to make a grievance that he was not given full opportunity of defending himself. In my opinion the finding arrived at by the management is based on evidence and it is not for this Tribunal to re-appraise all that evidence so as to come to a different finding even if that were possible. In the circumstances I hold that the action taken by the management against the applicant was justified and no interference is called for by this Tribunal.

6. It was argued on behalf of the management that the application was not sustainable in as much as the present Tribunal took cognizance of the main reference long after the dismissal of the applicant. It is pointed out that the dismissal of the applicant took place on the 16th October, 1961, when this Tribunal had not even been constituted. There is no substance in this contention. The dismissal took place while the reference before the Tribunal at Dhanbad was pending. The proceeding of that court was transferred to this Tribunal u/s 33B of the Industrial Disputes Act with authority to proceed from the stage at which the same was transferred. The present application was filed during the pendency of the proceedings before this Tribunal following the transfer. The application, therefore, was maintainable.

7. In view of my finding above the application fails and is dismissed. There will be no order as to costs. I give my award accordingly.
Recorded at my dictation and corrected by me.

(Sd.) H. K. CHAUDHURI,
Presiding Officer,

H. K. CHAUDHURI, Central Government Industrial Tribunal, Patna.
P.O., Central Government I.T., Patna,
31-10-62. [No. 2/198/61-LRIL]

S.O. 3546.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to Singareni Collieries Co. Ltd. and their workmen.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD

PRESENT:

D^r. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm) B.C.L.
(Oxon), D. Phill (Oxon), Bar-at-Law, Lincolns Inn (London),
Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 28 of 1962

BETWEEN:

The workmen of Singareni Collieries Co., Ltd., Kothagudem,

AND

The employers of Singareni Collieries Co., Ltd., Kothagudem.

APPEARANCES:

- Sri D. Narsing, advocate, for the employers;
 Sri K. Satyanarayana, advocate, for the Singhereni Collieries Workers' Union, Kothagudem,
 Sri Zakir Ali, Advocate, for Singhereni Collieries Mazdoor Sangh, Kothagudem, and,
 Sri Gopal P. Joshi, advocate, for Andhra Pradesh Colliery Mazdoor Sangh, Andhra Pradesh Mine Workers' Union, and The Tandur Coal Mines Labour Union, Kothagudem.

AWARD

By letter No. 11/4/62 LR II, dated 18th July, 1962, the Government of India, Ministry of Labour and Employment, referred the industrial dispute between the workmen and the employers of the Singhereni Collieries Co., Ltd., Kothagudem, for adjudication with the following two issues framed:

- "(1) Whether the *ad-hoc* increment granted to monthly rated staff of the Singhereni Collieries Company Ltd., at the time of implementation of the award of the All India Industrial Tribunal (Collieries disputes) should be set off against the wages adjusted under paragraph 316 of the decision of the Labour Appellate Tribunal.
- (2) Whether the date of appointment in respect of certain categories of monthly rated workmen has been correctly taken by the management of the Singhereni Collieries Company, Ltd., in implementing the decision of the Labour Appellate Tribunal for calculating the length of service for the purpose of increments as envisaged in paragraphs 1 to 5 under issue No. 12 of the award of Sri A. Das Gupta, dated the 30th December, 1959."

2. The dispute was registered here as industrial dispute No. 28 of 1962. In the order of reference three unions were specified. These were: (1) Singhereni Collieries Workers' Union, (2) Singhereni Collieries Mazdoor Sangh, and, (3) Andhra Pradesh Mine Workers' Union, Kothagudem. Later on, two more unions: viz., The Tandur Coal Mines Labour Union and the Andhra Pradesh Colliery Mazdoor Sangh prayed that they should also be made parties. After hearing them, in the presence of all concerned, I held that they were proper parties to the dispute. All the parties were directed to file their statements of claims and the counter to them. Then complied by 15th September, 1962. The hearing took place on 12th October, 1962, and was finished by 18th October, 1962. The workmen adduced 8 witnesses and the employer one. Both the parties have filed several documents. To them I will refer as and when necessary.

3. The award of the All India Industrial Tribunal came into force from 26th May, 1956. Though the Singhereni Collieries Co., Ltd., or their workmen did not appeal, there was an appeal by some other parties and the Labour Appellate Tribunal of India gave its award on 29th January, 1957. In the interval, the employer of the Singhereni Collieries Co., Ltd., enforced the collieries award and gave an increment while enforcing paragraph 809(1) of the collieries award marked Ex. M18. Later on, when the appellate decision came into force and was accepted and enforced by the Singhereni Collieries Co., Ltd., also, the employers considered that paragraph 316(1) of the appellate decision set aside the paragraph 809(1) of the Collieries award. It is contended that in the result, they fell back upon the wages that obtained before the collieries award and in doing so, they omitted the increment that was given under paragraph 809(1) of the collieries award. The main question before me in this issue is whether the employer was right in doing so. The learned advocate for the employer, Sri D. Narsing, argued that paragraph 809(1) was set aside by paragraph 316(1) of the appellate decision. I will consider below whether I can accept this contention.

3.1. Paragraph 809(1) is as follows:

- "(1) The workman shall be placed at the stage in the scale equal to, or (2) next above their basic pay in the existing scale as on the date of publication of the award."

And paragraph 316(1) reads as follows:

"(1) Those who are below the minimum of their respective scales as prescribed by us shall be pulled up to the minimum and, (2) those who are in between the two stages of revised scales shall be placed at the stage next above their pre-award basic wages."

The numbering by numerals (1) and (2) is done by me. It will be noticed that though the portions marked (2) in both the paragraphs are practically the same, still, the other portions marked (1) are different in the collieries award and the appellate decision. In the first portion in paragraph 809(1) the words used are that 'the workmen shall be placed at the stage equal to the basic pay in the existing scale'. The underlined words mean that the workman shall be placed at the stage in the scale revised by the collieries award which is equal to the then basic pay. Evidently, wages in the existing scales might not in every case have been equal to the minimum of the revised scale. That is why the Collieries award in paragraph 809(4) directed that 'where the new scales and the existing scales do not correspond at any stage, the workmen shall start in the new scales straight away'. But, the appellate decision set aside the portion marked (1) in paragraph 809(1) and substituted in its place the portion marked (1) in paragraph 316(1) viz., 'those who are below minimum of their respective scales as prescribed by us shall be pulled up to the minimum'. Evidently, therefore, I do not feel any difficulty in agreeing with the learned advocate for the employer to this extent that paragraph 316(1) of the appellate decision has set aside paragraph 809(1) of the Collieries award in its first portion. Moreover, the words that 'respective scales as prescribed by us' are also important. They indicate that the setting aside of the first portion of paragraph 809(1) is not limited to the form merely, but goes to its content also. A perusal of paragraphs 257 to 338 of the appellate decision will show that scales given by the collieries award have, in ever so many cases, been revised, and enhanced by the appellate decision. Hence, I repeat that I do not feel much difficulty in agreeing that the first portion of paragraph 809(1) has been set aside by the first portion of paragraph 316(1) of the appellate decision.

3.2. But, regarding the portions marked (2) in both the paragraphs 809(1) and 316(1), I cannot hold that the latter has set aside the former. The meaning of the both the paragraphs is the same viz., the workman shall be placed at the stage next above their pre-award basic pay. An illustration will be made the meaning of the portions marked (2) in both the paragraphs clear. I take the illustration given in paragraph (6) of Sri Komaraiah's claims statement dated 3rd August, 1962. This illustration was considered during the arguments. The grade of I.G. Rs. 48—3—70—E.B.—5—100 is one of the grades given under or enhanced after both the awards. Suppose, a workman was drawing O.S. Rs. 75, at the time of fixation. O.S. Rs. 75, are equal to I.G. Rs. 64—4—7. As Rs. 66, was the pay attached after six grade increments from I.G. Rs. 48, I.G. Rs. 1—11—5 have to be added to Rs. 64—4—7, to arrive at Rs. 66. Both the parties are agreed that Rs. 66, was the next stage above the pre-award basic pay.

3.3. Even so, as already stated above, the employer issued the Circular No. P. 1717, dated 20th September, 1956, while implementing the Collieries award which came into force from 26th May, 1956. By paragraph 2(a) of the circular, the employer directed that the workman 'shall be placed at the stage next above the adjusted pay in the I.G. currency based on the pre-award basic pay'. And the employer fixed the next stage above at Rs. 66, but at Rs. 70. Regarding this also both the parties, the workmen and the employer, have agreed before me that that was so.

3.4. However, the workmen contended that even though the increment to Rs. 70 did not follow from the Collieries award or the appellate decision, still it was given to compensate for the loss which the workmen suffered from the demonitisation of the O.S. currency and the stoppage of the supply of cheap food-grains. It may be noted that the Collieries award did not favour the last and the Government of India demonitised O.S. currency from April, 1954. The employer does not agree that the increment was given for the alleged two reasons. MWI has deposed that the demonitisation of O.S. currency was brought to the notice of the Coal Tribunal as well as to that of the appellate tribunal. And both these Tribunals by paragraphs 381, 387 and 496 of the Collieries award and paragraphs 71 and 74 of the appellate decision compensated the loss due to the demonitisation by awarding scales in I.G. currency and by compensating for the stoppage of cheap food grains.

3.5. Hence, it is important to note that as it is not the stand of the workmen that the increment granted to them was given under paragraph 2(a) of the circular P. 1717, and it is their stand that the said increment was given for compensating their losses due to demonitisation and the stoppage of cheap food-grains, their case stands or falls on proof of this contention only. I, therefore, proceed to consider whether the workmen have succeeded in proving their contention.

3.6. WW1, Sri Komaraiah, waxed eloquent in his deposition that in the first week of August, 1956, he represented to the General Manager on both the above points and that he took along with him about one hundred members of the staff. It is his deposition that the General Manager was sympathetic and promised that the workmen would not be put to any loss because of the demonitisation and the stoppage of food grain concessions. WW8, Sri Narayana Reddy, also supports WW1, on this point. On the other hand, MW1, Sri Bhaskarachari, was equally insistent in his deposition that though the workmen made a representation, in the first week of August, 1956, and he (MW1) was also present at the meeting, still, the points of the loss due to demonitisation of O.S. currency and the stoppage of food-grains concession were not raised by the workmen. Thus, in this state of evidence, there is here, oath against oath and word against word. In such circumstances, we look to other facts and records of the case. At first, I felt that it will be a hard exercise of faith to reject the unanimous depositions of WWs 1, and 8 that they did not represent the loss that they suffered from demonitisation, or, from the stoppage of food grain concessions. But, when I perused paragraph 645, of the Collieries award I found that the matter was brought to the notice of the All India Industrial Tribunal, and the loss was compensated by giving the scales in I.G. currency. I perused also the paragraphs 381, 386 and 496 of the collieries award. There, even though the award directed the discontinuance of the food-grain concessions yet, it compensated for the loss by awarding enhanced basic wages. I read also paragraphs 71 to 74 of the appellate decision. There, the learned appellate Tribunal not only noted the collieries award is directive for stoppage of the food grain concessions and the increase in basic wages granted in lieu of the same, but, felt also that there must be some cushion to counteract the loss if the prices of the food-grains go up. This they provided by directing that on every rise by 10 points of the cost of living index an increase of Rs. 1-14-0 should be given. All this, will indicate that as the workmen were fully compensated they perhaps did not make the representation. I am aware that in the first week of August, 1956, the Appellate decision had not come. Even so, representations had been made, to the Labour Appellate Tribunal. And even, if I leave out the directives of the appellate decision in paragraphs 71 to 74, the directives of the coal award in paragraph 496 will be sufficient to show that, sufficient allowance was made for the loss due to the stoppage of the concessions. Hence, in my opinion, the balance of probability on the point of representation in the first week of August, 1956, is on the side of employer, and, therefore, I am afraid that the workmen have not succeeded in proving that the increment granted by circular P. 1717 was granted to compensate for demonitisation of the O.S. currency or to make up for the loss due to the stoppage of food concessions. I hold accordingly.

3.7. Even so, I considered also whether the employer is justified at all in withdrawing the increment granted by paragraph 2(a) of the circular P. 1717. I found from the record that the said increment was not withdrawn. For, MW1, on page 4 of his deposition has stated that in certain cases the increment was merged into the more liberal benefits conferred by the appellate decision and in other cases, where the benefits were not much, the employer protected the wages fixed by the circular P. 1717. Paragraph (4) of the circular 2456 dated 19th December 1957 (Annexure B) will bear this out: It reads as follows:

"In case where the salary as fixed in accordance with the instructions contained in this Office Circular No. P. 1717 dated 20th September 1956 happens to be higher than the rate of pay due under fixation in accordance with paragraph 3 above, the staff shall be permitted the higher rate of pay as already fixed."

There is no rebuttal of the deposition of MW1 on this point. He was not even cross-examined on it. Hence, I accept his testimony that the increment was not withdrawn.

3.8. The above will show that the increment was not withdrawn. Hence, the matter boils down to the drafting of the paragraphs 2(a) and 3(1) in the two circulars P. 1717 and P. 2456. These paragraphs are as follows:

Circular P. 1717, paragraph 2(a) runs as follows:

"The staff shall be placed at the stage in the revised scale in IG currency next above the adjusted pay in I.G. currency based on the basic pay drawn by them prior to 26th May 1956 in the existing scale."

And in Circular P. 2456, paragraph 3(1) is as follows:

"Those who are below the minimum of their respective scales as prescribed shall be pulled up to the minimum, and those who are in between two stages of their revised scale shall be placed at the stage next above their pre-award basic wages. (This would mean that the staff should be allowed only the adjusted pay and *not the stage above the adjusted pay* as specified in para 2(a) of circular No. P. 1717, of 20th September 1956)."

It will be seen that in the paragraph 2(a) the employer used the words *next above the adjusted pay*. He used then even though in paragraph 809(1) the words used were *next above the basic pay*. He used them as he wanted to give them one increment. He wanted to give them an increment in the words of MW1, because even though the collieries award increased the wages handsomely, yet, in certain cases the benefits conferred by the award were minor. But when the appellate decision came into force and more liberal benefits were conferred, the employer reverted to the words used in paragraph 809(1) which were practically the same as used in paragraph 316(1) '*next above the basic pay*', but took care by paragraph 4 of circular 2456 not to touch the higher wages granted by paragraph 2(a) of circular P. 1717. After careful consideration, I do not find any good reason to hold that the employer was not entitled to do so. I hold accordingly.

3.9. Before proceeding to answer the first issue in accordance with the above findings I may note that the learned advocate for the employer relied on section 16 of the Industrial Disputes (Appellate Tribunal) Act LXVIII of 1930, and contended that having regard to its provisions paragraph 809 of the Collieries award is substituted by paragraph 316(1) of the appellate decision, and this last-mentioned paragraph came into force from the date of the collieries award *viz.*, 26th May 1956. I agree. But, the appellate decision by paragraph 351(9) has given the particular directives that the collieries award shall stand subject to the modifications made by the appellate decision. This will mean that part (2) of the paragraph 809(1) will stand as it has not been modified. Relying on this, the learned advocate for the Singere Collieries Workers' Union, Sri K. Satyanarayana, has contended that the 2nd portion of paragraph 809(1) has been confirmed by the 2nd part of paragraph 316(1). I agree here also. But, I will also consider what is confirmed. The meaning of the second part of both the paragraphs 809(1) and 316(1), as already stated above in paragraph 3.2. of this award is, that the workman shall be placed at the stage next above the pre-award basic wages. This directive is confirmed. But, in the illustration considered above, the increment over Rs. 66/- to Rs. 70/- was not given under the 2nd part of the paragraph 809(1). It was given by paragraph 2(a) of the circular P. 1717. Evidently, this was not confirmed. I hold accordingly.

3.10. I have stated in paragraph 3.4. above that the workmen agreed before me that in the illustration considered above the increment to Rs. 70/- was not given by the Collieries or the appellate awards. This means that it did not follow from the 2nd part of paragraphs 809(1) and 316(1). But, the argument of the learned advocate Sri K. Satyanarayana, noted in the above paragraph suggests that the said increment to Rs. 70/- follows from the 2nd part of paragraph 809(1) and is confirmed by the 2nd part of paragraph 316(1). If so, I hold clearly that the stage next above the pre-award basic wage means, in the illustration taken, only Rs. 66/- and not Rs. 70/-. No reasons are required as it is the plain meaning of the words used.

3.11. My answer to issue No. (1) is, therefore, in the affirmative. The reasons for the same I have stated in the preceding paragraphs. I note that the circular P. 2456 by its paragraph (4) has allowed the higher wages granted under paragraph 2(a) of the Circular P. 1717. It is as it should be.

4. Now I will consider issue No. 2. To decide it, I have carefully perused the decision that Sri Das Gupta gave under issue No. 12 of his arbitration award. I will summarise his findings below:—

He has stated that the collieries award gave grades with incremental scales for some categories of monthly paid workers and, for fitting the existing workmen into the awarded scales gave directions in paragraph 809(1): However, the said award did not take into account the past services of the workmen while fixing their basic pay in their respective revised scales. Accordingly, the Unions made a grievance of this omission before the Labour Appellate Tribunal and that Tribunal modified the direction of the collieries award by providing weightage for past service of the workmen. The relevant rules in which the Appellate decision on this point was given were paragraph 316(1) and (2): It was under this rule (2) that the Unions, demanded that the entire length of service of a workman should be taken into account in fixing his pay in the proper revised grade: However, the rule should be interpreted in the context of the subject-matter to which it relates. The grades with incremental scale as awarded by the collieries award were for different jobs for which either there was no grade with incremental scales, or, there were grades with lower scales. The whole object of the rule was to fix the basic pay and the workmen on a particular job in the grade with incremental scales as awarded for the job.

4.1. To carry out this object he held that if the grade is the recruiting grade or the lowest grade for a particular category of workmen, there would be no difficulty in fixing a workman into the revised grade for the job, with one increment for every four completed years of service, subject to the maximum of 3 increments for the total length of his permanent service on that particular job or comparable jobs under the same lowest grade. It will thus be seen that the above ruling which is embodied in paragraph 4 of issue No. 12 is the first rule formulated by Sri Das Gupta. This rule No. (1) is:

that in the case of monthly rated staff who were in the recruitment or the lowest grade, the total length of service should be reckoned.

4.2. But, in the case of those monthly rated staff who were in the higher or promotion grades, he held that it will not be possible to take into consideration the total length of their permanent services. For this, he adduced several reasons, for instance the reason that weightage for past service on the lower job if assured unconditionally in all cases, will create in the workmen a sense of improper security and will develop an indifference or lethargy in them to pick up efficiency quickly and thus they will lose the urge to acquire such efficiency early to qualify for promotion. He, therefore, formulated the second important rule (2):

that in the case of the monthly rated staff who were at the time of fixation in grades which were higher than the lowest or recruitment grades or who were in promotion grades, the length of service to be reckoned under paragraph 316(2) of the appellate decision is not the entire period of the service of the workmen concerned, but the period during which he was working on the job or comparable jobs coming under the grade into which he is fitted.

5. The question therefore, is whether the employer correctly acted in accordance with the said two rules in giving the monthly paid workers the service increments enjoined by the appellate decision, as interpreted by the Arbitration award.

5.1. The learned advocate for the workmen Sri K. Satyanarayana, contended that he would argue about the following two categories of workmen:—

- (1) those workmen who were monthly rated before the Collieries award and remained so after it; and,
- (2) those who were daily rated before the Collieries award and were made monthly rated after the Collieries award.

Regarding the workmen mentioned at serial 2 above he stated that they are of five categories, namely, short firers, munshis, peons, watchmen and canteen staff. In their cases, the employer had not taken into consideration the length of service which they had put up as daily rated workmen. Hence, the learned advocate's

contention is that the Arbitration award has directed only that in calculating the length of service the period during which the employee was serving under the designation of the incoming grade to which he is fitted is only to be reckoned and not the entire period of service in the company; and that this means only that the service in other designations will not be reckoned in calculating the increments. He has, therefore, contended that, as by the evidence adduced by the workmen, it is clear that, the names and designations of the above mentioned five categories of workmen have remained the same and even after giving the grade approved by the appellate decision, there was no change in the names of designations, it follows that the entire length of service of these workmen should be reckoned including the period for which they worked as daily rated workmen.

5.2. In my opinion, the above contention is incorrect. As already stated above, the arbitration award under issue No. 12, only considered the cases of *monthly paid staff to whom the Collieries award gave revised grades* with incremental scales. In issue No. 12, the case of daily rated workmen or such daily rated workmen who were made monthly rated was not at all considered. In that paragraph, the case of such *permanent* monthly paid staff alone who already had *grades* in the then existing scale, and whose grades with incremental scales were *revised* by the Collieries award alone were considered. Hence, obviously, daily rated workmen who were made monthly rated by the Collieries award are not covered by the issue No. 12, or its five paragraphs. This was so far the reason that they were not *permanent* and had no *grades* which were *revised* by the Collieries award. I hold accordingly.

5.3. Of the monthly rated staff who were awarded grades with incremental scales, there were two kinds. One was who were at the recruitment grade or the lowest grade and the next was those who were in grades higher than the recruitment or the lowest grades or were in promotion grades. Taking the first kind of workers into consideration first, the Arbitration award explained the appellate decision and formulated the rule which I have stated above as rule No. 1. It is to this effect that these workmen who were at the time of fixation in the then existing lowest grade or recruitment grade the total length of service should be calculated. Sri D. Narsing, the learned advocate for the employer stated on the bench in the presence of the other parties, that the employer had given them the entire length of service and if there has been any error in any given case it will be corrected on pointing it out. I, therefore, hold that these monthly-rated workmen in the recruitment or the lowest grade should be given the entire length of service and as the employer has given them he has acted correctly, barring accidental or unintentional omissions which if exist, should be corrected.

5.4. Passing on to those workmen who were in grades higher than the then existing recruitment or the lowest grades, the Arbitration award interpreting the Appellate decision has formulated about them the rule which I have mentioned above as rule No. 2. In this regard the decision of the arbitration award is clear and unequivocal. It is that these workmen can only be given service increments in accordance with the length of service they have put in after coming into the higher grades or promotion grades and their entire length of service in the company could not be given to them. It is the contention of the employer that he has acted accordingly, and, in my opinion also, that is so. Otherwise, as in the cases under Rule (1), he should correct unintentional errors. I hold accordingly.

5.5. My attention was drawn to annexure J dealing with the cases of 40 workmen taken as illustrative cases. It was contended that the date taken in column 6 under the heading 'date of appointment to higher grade or promotion grade' is wrongly taken and those dates should be the dates given in column 3 which is the 'date of appointment'. This contention is untenable in view of the rule (2) stated above. I hold accordingly.

5.6. I am not passing any detailed instructions because the arbitration award or the appellate decision is, of course, not under my review. I can only interpret their correct meaning and findings in the light of the disputed points raised before me. In the result, the details of my interpretation will have to be worked out by the parties and if the cases of some workmen require any corrections to be made the employer will do it. I direct accordingly. My answer to issue No. 2, therefore, is, that the employer has correctly taken the period of service in implementing the appellate decision in the light of the explanation given by paragraphs 1 to 5 of issue No. 12 of Sri A. Das Gupta's award.

3. Before I conclude I may mention that the learned advocate for the employer has raised the preliminary objection that neither the Government had power to refer this dispute, nor, I had the jurisdiction to enquire into it. The reason advanced was that the two issues referred for adjudication has already been decided not only by the All India Industrial Tribunal but, also by the Labour Appellate Tribunal. I have decided this preliminary objection on 13th October, 1962, holding that I have jurisdiction. Briefly, I held there that in both the issues, the matter pertain to wages and the dispute over the wages is the subject-matter of III schedule of the Industrial Disputes Act, XIV of 1947. Hence, I held that I had jurisdiction.

7. I have answered both the issues and a report may be sent to the Government accordingly. There remains the question of cost. No doubt, cost follows the event. Hence, as the employers have won I should award them cost. Still, in my opinion, generally awarding of costs is not favoured by the industrial law. I note also that the workmen have been put to considerable expenses, which some of them could ill afford, in coming over to Hyderabad to prosecute the industrial dispute. I, therefore, direct that the parties should bear their own costs.

Dated: 24th October, 1962.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal.

List of Witnesses Examined

By workmen:

1. WW1—M. Komaralah,
2. WW2—Amirkhan,
3. WW3—J. Mallaiiah,
4. WW4—K. Veeram,
5. WW5—S. K. Srinivasan,
6. WW6—Rajnarasu,
7. WW7—K. P. Narasalah,
8. WW8—S. Narayanareddy.

By employers:

1. MW1—Bhaskarachari

List of Documents Exhibited

By workmen:

1. Ex. W1—True copy of the agreement dated 19th July 1953 entered between the management and the workers' union.
2. Ex. W2—True copy of the award of the Central Government Industrial Tribunal, Dhanbad, in reference No. 9 of 1961 dated 29th July 1961.
3. Ex. W3.—True copy of the item No. 12 of the report of coal mines labour enquiry committee 1949.
4. Ex. W4.—Statement showing the details in respect of certain monthly paid staff of the Singheri Collieries under Coal award (Lower) in 1956 and LAT Coal award in 1957.
5. Ex. W5 series.—Copy of the appointment order dated 28th September 1943 of T. Ramalingasastry, Pay master.
6. Ex. W5/1.—Appointment order copy of C. Narasimharao, dated 16/21st February 1945.
7. Ex. W5/2.—Appointment order copy of D. Azkaiah, dated 20th January 1948.
8. Ex. W5/3.—Appointment order copy of Abdul Gaffoor, dated 28th April 1948.
9. Ex. W5/4.—Appointment order copy of K. Manikyarao, dated 3rd May 1948.
10. Ex. W5/5.—Appointment order copy of P. P. V. S. Sastry, dated 18th January 1949.
11. Ex. W5/6.—Appointment order copy of Amir Khan, dated 11th May 1948.
12. Ex. W5/7.—Appointment order copy of 5 workmen, dated 12/14th November 1946.

13. Ex. W6.—Copy of letter dated 4th December 1961 addressed to the General Manager of the company by Workers' Union.
14. Ex. W7.—Copy of Minutes of Joint discussions before the Conciliation officer, Secunderabad, on 27th October 1961.
15. Ex. W8.—Copy of letter dated 8th October 1961 by Workers' Union to the General Manager of the company.
16. Ex. W9.—Copy of the Strike notice dated 19th March 1962 by the Workers' Union to the General Manager of Company.
17. Ex. W10.—Copy of second strike notice in 1962 issued by the Workers Union to the General Manager.
18. Ex. W11.—Copy of the notes for conciliation discussions held on 6th March 1962.
19. Ex. W12.—Copy of memorandum dated 10th February 1962 addressed by the Workers Union to the Chief Labour Commissioner (Central) New Delhi.
20. Ex. W13.—File No. M. 158(216)/60 of the Regional Labour Commissioner (Central).
21. Ex. W14.—File No. M. 109(22)/62 of the Regional Labour Commissioner (Central).
22. Ex. W15.—File No. K. G. 108(9)/60 of the Labour Inspector (Central) Kothagudem.
23. Ex. W16.—Office order P. 4/164/364, dated 27th January 1960 of the Collieries.
24. Ex. W17.—Letter No. CoH(CD)/17, dated 10th September 1956 of the Conciliation officer (Central) Secunderabad addressed to the General Secretary of the Workers' Union.

By Management:

1. Ex. M1.—Written statement submitted to the All India Industrial Tribunal (Colliery Disputes) Printed book;
2. Ex. M2.—Circular No. P. 1717 dated 20th September 1956 of the Collieries regarding All India Industrial Tribunal (Collieries Disputes) Implementation of monthly scales.
3. Ex. M3. series.—Annual increments for the years 1955, 1956 and 1957.
4. Ex. M4. series.—Implementation of Muzumdar Award in various departments.
5. Ex. M5/1, Ex. M5/2.—Implementation of Labour Appellate Tribunal decision in the collieries.
6. Ex. M6.—Jadhav Committee Report (Book).
7. Ex. M7/1.—Register of increases.
8. Ex. M7/2.—Lists of increases to the main staffs for the years 1947, 1948 and 1949.
9. Ex. M8.—Employers' re-joiner dated 6th October 1962 to the Tabular statement submitted by the Singheri Collieries Mazdoor Sangh, before the Hon'ble Tribunal, on 15th September 1962.
10. Ex. M9.—Memorandum of settlement arrived at between the management and their workmen on 6th June, 1962, before the conciliation officer (C) Secunderabad.
11. Ex. M10.—Arbitration award by Sri A. Das Gupta. (Book).
12. Ex. M11.—Decision of the Labour Appellate Tribunal of India in the Collieries appeals (Book).
13. Ex. M12.—Coal award of All India Industrial Tribunal (Book).

(Sd.) M. S. ALI KHAN, Industrial Tribunal.

S.O. 3547.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Mahabir Colliery, Post Office Raniganj, District Burdwan, West Bengal and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA.

REFERENCE NO. 28 OF 1962

PARTIES:

Employers in relation to the Mahabir Colliery

AND

Their workmen.

PRESENT:

Shri L. P. Dave—*Presiding Officer.*

APPEARANCES:

On behalf of the employers:

Mr. N. C. Shah, Advocate.

Mr. B. P. Harit.

On behalf of workmen:

Shri Ramen Banerjee of A.I.T.U.C

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 2/62/62-LRII dated 6th July 1962, referred the industrial dispute existing between the employers in relation to the Mahabir Colliery and their workmen in respect of the question whether the dismissal of Shri Bishu Roy, Underground Trammer of the said Colliery was justified, and if not, to what relief he was entitled for adjudication to this Tribunal.

In response to notices issued by the Tribunal, both the workman and the employers filed their written statements. When the matter came up for hearing on 12th September, 1962, the parties stated that there had been a compromise between them but wanted some time to obtain the consent of the workman who was the subject matter of this dispute. The matter was then adjourned to 25th September, 1962 on which date the employers' representative came late and no compromise could therefore be filed. The matter was then adjourned till to-day when the parties filed a memorandum of settlement, copy of which is appended herewith. Under the terms of compromise, the workman, who is the subject matter of the dispute, is to be re-employed with effect from 1st November 1962 with continuation of service and is to be paid his wages from 1st October, 1962 but not for the earlier period. In my opinion, the terms are fair and reasonable and I therefore record it.

In the result, I pass an award in terms of the compromise.

Sd/- L. P. Dave, Presiding Officer.

The 31st October, 1962.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA.

REFERENCE NO. 28 OF 1962

In the matter of an Industrial Dispute

BETWEEN

Messrs Mahabir Collieries Limited, 178, Mahatma Gandhi Road, Calcutta-7.

AND

Their workmen.

The humble joint petition on behalf of Messrs Mahabir Collieries Limited and Shri Bishu Roy, Underground Trammer represented by Colliery Mazdoor Sabha, P.O. Topost, Dt. Burdwan.

Most Respectfully Sheweth:—

1. That the petitioners herein have amicably agreed to settle the dispute on the following terms and conditions:—

- (a) Without prejudice to the rights and contentions raised by both the parties in their written statements filed before this Hon'ble Tribunal, the Company is prepared to re-employ Shri Bishu Roy, Underground Trammer with effect from 1st of November, 1962 with continuation of service on the previous wages.
- (b) Shri Bishu Roy will not be entitled to payment of pay back wages and any other claim whatsoever against the Company relating to the period commencing from May 1962 to September 1962, both months inclusive but he will be paid wages for October 1962.
- (c) That Shri Roy undertakes to observe strictly the provisions of the standing orders applicable to the workmen of the Company.
- (d) The parties before this Learned Tribunal will bear their own costs.

The parties, therefore, pray that an Award may be passed in terms of the compromise hereinbefore stated.

Sd./- B. P. HARIT, Advocate.

31-10-62.

(For the Company).

Left hand impression of Bishu Roy (The workman).

The 31st October, 1962.

Identified by me.

Sd./- RAMEN BANERJEE.

31-10-62.

[No. 2/62/62-LRII.]

New Delhi, the 19th November, 1962

S.O. 3548.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the East Bastacolla Colliery, Post Office Dhansar, District Dhanbad, Bihar and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA

REFERENCE No. 18/C of 1962.

Employers in relation to East Bastacolla Colliery and their workmen.

For the Employers.—Shri B. L. Agarwala, Managing Agent and Shri K. C. Gupta, Manager.

For the Workmen.—Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, Dhanbad.

AWARD

Dated the 29th October, 1962

Under the Government of India, Ministry of Labour and Employment, Notification No. 2/34/62-LRII, dated the 3rd May, 1962, this industrial dispute between the employers in relation to East Bastacolla Colliery and their workmen has been referred to this Tribunal for adjudication under Section 7-A, and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act. The specific matter in dispute as set out in the notification is as follows:—

“Whether the dismissal of Sri Balai Keot by the management of East Bastacolla Colliery was justified? If not, to what relief is he entitled?

2. Shri Balai Keot was working as a miner in the East Bastacolla Colliery for about 5 years. It is alleged that there was bad blood between this employee and

the company because of his trade union activities and the latter was looking for an opportunity to get rid of him by fair means or foul. On the 6th March, 1962, Shri Balai Keot reported for duty but he was not allowed to join and was served with a charge-sheet to this effect:—

"You are hereby asked to show cause within 48 hours in writing on the reply from attached to this why disciplinary action should not be taken against you for the following misconduct:

- (i) Robbing on Friday in 3rd shift.
- (ii) Being absent on Saturday and Monday without leave.
- (iii) Reporting on duty on Tuesday at 10 A.M. in place of 6 A.M. (Ext. B)."

On 10th March, 1962, the workman submitted an explanation (Ext. C) denying the charges. He asserted that it was wholly untrue to say that he had been found robbing coal as alleged or that he had reported for work on 6th March, 1962 at 10 A.M. With regard to the charge of absence without leave he stated that he was unable to come to his duty on the 3d and 5th March, 1962, on account of the serious illness of his wife. By a letter dated the 10th March, 1962, (Ext. D) the Manager informed the workman that the enquiry into the charges would be held on the 13th March, 1962 at 4 p.m. On the date fixed for enquiry Shri Balai Keot duly came to the office of the Manager but was told that the Manager was away from the station. Shri Balai Keot thereupon left a letter (Ext. E), in the office stating that he had waited till 5 p.m. but nothing had been done in connection with the enquiry. The allegation of Shri Balai Keot is that on 19th March, 1962, he received a registered letter from the Manager informing him that the enquiry would be held on the 15th March, 1962, at 5 p.m. in the office premises. This letter purporting to have been posted on 15th March, 1962, had actually reached Balai Keot on 19th March, 1962. The workman immediately addressed a letter to the Manager stating that he had received the letter on 19th March, 1962, and hence it was not possible for him to attend the enquiry. He requested the Manager to fix another date for the enquiry and inform him in advance so as to enable him to be present at the enquiry. In that letter (Ext. H) he also made a grievance that he had been kept under suspension for more than 10 days which was illegal. On the 16th March, 1962, the Manager informed the workmen that since he had not come on the 15th March, 1962, the enquiry was held on the following day, i.e., 16th March, 1962. It was stated further that the workman had been found guilty of all the charges framed against him and he was dismissed from the colliery for the safety of the mine and of the persons employed therein.

3. It appears that before the dismissal the workman had represented his case before the Conciliation Officer (Central) for redress of his grievance. On 20th March, 1962, the Manager informed Balai Keot that in view of his representation the order of dismissal served upon him had been kept in abeyance until the conciliation proceedings were over. On the 23rd March, 1962, Balai Keot wrote to the Manager that since the letter of dismissal had been withdrawn he should be allowed to resume work with immediate effect. He was, however, informed by the Manager on the 30th March, 1962 (Ext. K) that as the conciliation proceeding had ended the order of dismissal conveyed under the management's letter, dated the 20th March, 1962 (a mistake for 16th March, 1962) which had been kept in abeyance was confirmed. The contention of the union is that the dismissal of Balai Keot was unjustified and illegal.

4. The case of the management is that Balai Keot was detected by Shri Shastipada Mukherjee, a mining sardar, while robbing pillar on 3rd March, 1962, in his shift. It is said that on receipt of the report of the mining sardar the Manager issued a charge-sheet to him on 6th March, 1962. After receipt of the workman's explanation, 13th March, 1962 was fixed as the date of enquiry but the enquiry could not be held as the Manager had to go out of station on business. A second notice, dated 14th March, 1962, was accordingly issued fixing 15th March, 1962, at 5 p.m. for enquiry. It is alleged that the workman having refused to take delivery of the notice sent by a peon book the same had to be sent by registered post. It is submitted that the workman did not appear at the enquiry whereupon the Manager postponed the enquiry on that day in consideration of the fact that the notice had been sent only one day earlier. It is said that the Manager again sent information through a peon on 15th March, 1962, to the quarters of Balai Keot to the effect that the enquiry will be held on 16th March, 1962, but even then the workman did not attend the enquiry. In these circumstances the Manager, it is said, had no option but to proceed with the enquiry *ex-parte*. The case of the management is that the guilt of Balai Keot was proved at the

enquiry and thereupon he was dismissed from service with effect from 16th March, 1962. It is asserted that the action of the management was fully justified and the workman was not entitled to any relief whatsoever.

5. It would appear from what has been stated above that the date fixed for enquiry originally was 13th March, 1962. The enquiry, however, could not be held on that date and was postponed to 15th March, 1962. Actually the enquiry was held on the following day, namely, 16th March, 1962. It is undisputed that the enquiry was an *ex-parte* one. The question that arises for determination is whether Balai Keot had notice of this date. The registered notice fixing 15th March, 1962, for enquiry is said to have been sent by the Manager on 14th March, 1962. There is, however, no evidence to show that actually the notice was posted on 14th March, 1962. According to the Head Clerk (M.W. 2) the notice was posted from the company's Jharria office. He admitted that there was no receipt to show on which date it was actually posted and registered. According to Balai Keot he received the registered notice on 19th March, 1962. This evidence has not been seriously challenged. In fact the Head Clerk said that he was unable to say on which date Balai Keot received the letter. Balai Keot's evidence that he received it on 19th March, 1962, therefore, stands un rebutted. On the contrary his statement receives support from the letter dated the 19th March, 1962 (Ext. H) which he addressed to the management. In that letter he positively asserted that the registered letter, dated 14th March, 1962, had been received by him only on that date, i.e., on 19th March, 1962, and hence he was unable to attend the enquiry which was to be held on 15th March, 1962. It is, therefore, clear beyond doubt that the registered intimation about the date of enquiry reached Balai Keot long after the date fixed for enquiry. The management, however, alleges that on 14th March, 1962, the notice in question was first offered to Balai Keot under a peon book but he refused to accept it. The management produced the peon book to show that there was an entry in regard to this letter in that book. The entry in the peon book by itself is not, however, conclusive. The evidence of the peon (M.W. 1) who is said to have offered the letter to Balai Keot is very vague. He could not say on which date he took the letter to Balai Keot. All that he was able to say was that it was some time in the month of March. It is difficult to act upon such vague evidence. The evidence of the Head Clerk (M.W. 2) is also very confusing. He states that the enquiry on 13th March, 1962, could not be held as the Manager had gone to the Mining Office at Dhanbad. The Manager is said to have informed him on the phone that since he was detained at the mining office the enquiry against Balai Keot would be held on the next day, i.e., 14th March, 1962. According to the Head Clerk he informed Balai Keot on 13th March, 1962, that the enquiry would be held on 14th March, 1962. He further states that on 14th March, 1962, he sent a letter to Balai Keot at his request asking him to attend the enquiry which was to be held on that day. This letter is said to have been sent through Radhika Peon (M.W. 1). All this evidence is entirely inconsistent with the management's case. The enquiry had been postponed on 13th March, 1962 to 15th March, 1962 and not 14th March, 1962. In view of this unreliable evidence I am not prepared to hold that the notice was personally offered to Balai Keot on 14th March, 1962, as the peon book purports to show.

6. The allegation of the management further is that on 15th March, 1962, a verbal notice was sent to Balai Keot through a peon informing him that the enquiry would be held on the following day. M.W. 1 (the peon) states that in March last he went to Balai Keot to call him in connection with the enquiry. Balai is said to have refused to come. The peon is, however, unable to remember on what date actually he had gone to call Balai Keot. He could not even say if this was prior to the date when he carried letter to him or after that date. Ext. G, which is the letter of dismissal, states that Balai Keot was sent for through a peon on 16th March, 1962, but he was "on duty in Manaitarh colliery". It is clear from this recital that Balai Keot was working somewhere in another colliery when the peon is alleged to have met him personally at his residence. In view of this inconsistent evidence I find it difficult to accept the management's claim that a verbal notice was sent to Balai Keot regarding the enquiry on 16th March, 1962.

7. The above finding is supported by a series of circumstances. The conduct of Balai Keot from the very beginning indicates that it was never his intention to avoid the enquiry. It is admitted that the notice intimating the original date of enquiry (13th March, 1962) sent through a peon book was duly accepted by him. He had already submitted his explanation immediately on receipt of the charge-sheet. He duly attended the office of the Manager in connection with the enquiry on 13th March, 1962. On being told that the enquiry could not be held on that day he left a note stating that although he had waited till 5 p.m. nothing was done in the matter (*vide* Ext. E). On receipt of the registered letter on 19th

March, 1962, he immediately addressed a letter to the Manager requesting him to fix another date for the enquiry. His conduct, therefore, does not show that he was not anxious to attend the enquiry.

8. The enquiry held without notice and behind the back of the workman is a violation of the principle of natural justice and little value should be attached to these proceedings. As there was no proper enquiry the question as to the guilt of the workman is at large and must be decided on its merits.

9. There were altogether three charges against the workman, namely, (1) robbing of coal on Friday in the third shift, (2) being absent on Saturday and Monday without leave and (3) reporting on duty on Tuesday at 10 a.m. in place of 6 a.m. With regard to the 2nd and 3rd charges Balai Keot gave evidence at the hearing to the effect that he was unable to submit any application for leave for Saturday and Monday as his wife was ill. As to his having come late to his place of work on 6th March, 1962, he states that he went to his duty on that date at 8 a.m. along with another miner but was not supplied kerosene oil for having come late and hence he had to go back without work. So far as the 2nd and 3rd charges are concerned they have not been pressed on behalf of the management. The evidence of Balai Keot that he was unable to apply for leave owing to his wife's illness has not been rebutted. As to his having come late to his duty on 6th March, 1962, that was not one of the items of misconduct under the Standing Orders. The only question, therefore, that falls for determination is whether the charge of the workman having been guilty of robbing coal on the night between the 2nd and 3rd March, 1962, has been established.

10. According to the evidence led at the hearing robbing of coal was detected by Mining Sardar Saktipada Mukherjee (M.W.5) on 3rd March 1962 at about 8 or 8-30 a.m. at No. 4 rise of 1st level. He showed the robbing to Lalta Prasad Singh, Overman in charge, at about 9 or 9-30 a.m. the same day. All this happened in the 1st shift which commenced at 6 a.m. on 3rd March 1962. Balai Keot had worked at this place in the previous shift from 10 p.m. to 6 a.m. The Mining Sardar during his shift was Banamali Manjhi (M.W.3). Rajmohan who was the Overman in that shift has not been examined. The evidence of Banamali Manjhi is that he inspected the place where Balai Keot was working twice on that night—once at 11 p.m. and again at 4 a.m. He further stated that on that night he and Overman Rajmohan Tewary did the inspection by turns. Rajmohan Tewary never told the witness in that shift that any robbing of coal had taken place in that shift. According to the witness another miner had worked at that place after 6 a.m. on 3rd March 1962.

11. The case of the management was that Balai Keot had been actually seen robbing coal on that night. This position was given up at the hearing and the management replied only on circumstantial evidence in order to bring the charge home to Balai Keot. From what has been stated above it is clear that nobody had noticed the robbing of coal before 8 or 8-30 a.m. on 3rd March 1962. The evidence of Banamali Manjhi is that so far as he was concerned he had not detected any robbing of coal till 4 a.m. He has further made it clear that Rajmohan Tewary had also not reported to him in that shift that any robbing of coal had taken place. In these circumstances it is difficult to hold that the robbing had been done by Balai Keot in the third shift on the night between 2nd and 3rd March, 1962. The management, however, relies upon the statement of Mining Sardar Saktipada Mukherjee (M.W.5) that when he detected the robbing the miners of the 1st shift were just coming down from the surface—almost all the miners of the 3rd shift having left by that time. It is submitted on behalf of the management that this evidence indicates that the robbing must have taken place in the previous shift. I am not impressed with this contention. Before leaving at 7 a.m. on 3rd March 1962 Banamali Manjhi admittedly told Saktipada Mukherjee that everything was in order at the mines. It is somewhat difficult to agree with the management's contention that Banamali made this assertion without having actually made any check. Further it is highly improbable that although the shift in which the robbing was detected commenced at 6 a.m. on 3rd March 1962 the mining operations had not started till the robbing was detected on that day. The possibility of some miner of the first shift having cut coal at this point sometime during the two and two and a half hours prior to the detection of the robbing cannot be altogether ruled out. The case of the management that the robbing must have taken place in the 3rd shift on the night between 2nd and 3rd March, 1962 seems to me to be doubtful. I am not, therefore, prepared to hold that the evidence establishes beyond doubt that the theft took place in that shift or that it was Balai Keot who committed the theft. That being so, the charge against him must fail.

12. In the result I hold that the dismissal of the workman on the charges framed against him was unjustified and illegal. I direct that the workman be reinstated with effect from the date of his dismissal with all arrears of wages and other usual benefits.

13. I give my award accordingly.

Sd./- H. K. CHAUDHURI,
Presiding Officer,
Central Govt. Industrial Tribunal, Patna.
[No. 2/34/62-LRIL.]

Recorded at my dictation
and corrected by me.

Sd./- H. K. CHAUDHURI,
P.O., I.T., Patna, 29-10-62.

ORDERS

New Delhi, the 19th November 1962

S.O. 3549.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nowrozabad Colliery of Messrs Associated Cement Company Limited, P.O. Nowrozabad, District Shahdol, Madhya Pradesh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the action of the management of Nowrozabad Colliery of Messrs Associated Cement Company Limited, in installing only one weigh bridge at the washery for all the three inclines of the colliery is in due conformity and compliance with the letter and spirit of the terms of agreement dated the 24th March, 1960 forming a part of the compromise award dated the 31st March, 1960 passed by the Central Government Additional Industrial Tribunal, Bombay in reference number 1 of 1960? If not, to what relief are the concerned miners entitled?

2. Whether the following categories of workmen employed in the coal washing plant of Nowrozabad Colliery of Messrs Associated Cement Company Limited are entitled to:—

- (a) revision of wage rates including dearness and other allowances;
- (b) change of designation or categorisation;
- (c) supply of uniforms.

If so, to what extent and from which date?

Categories of workmen

- (i) Trammers.
- (ii) Trippler Operators.
- (iii) Washery Foreman.
- (iv) Washery Assistant Foreman.
- (v) Washery Attendants.
- (vi) Washery helpers.
- (vii) Washery mazdoors.
- (viii) Crusher supervisors.
- (ix) Crusher helpers.

- (x) Crusher and chute attendants.
- (xi) Electricians
- (xii) Assistant Electricians.
- (xiii) Fitters.
- (xiv) Assistant Fitters.
- (xv) Fitter and Electrician helpers.
- (xvi) Shale and reject pickers.
- (xvii) Bull-dozer operators.
- (xviii) Bull-dozer helpers.
- (xix) Welders.
- (xx) Greasers.
- (xxi) Oilmen.

3. Whether the management of Nowrozabad Colliery of Messrs Associated Cement Company Limited was justified in discontinuing the leave and gratuity facilities originally admissible to S/Shri Abdul Jalil Khan and Syed Noor in the Cement Works wherefrom they were transferred? If not to what relief are these two workmen entitled in this respect?

4. Whether the management of Nowrozabad Colliery of Messrs Associated Cement Company Limited was justified in not granting the general increment given to colliery workers in June, 1960 to Shri Abdul Jalil Khan who was appointed in the colliery on the tenth January, 1960 on relief from Kymore Cement Works of the same Company? If not, to what relief is the workman entitled?

5. Whether the present system of measurement adopted by the management of Nowrozabad Colliery of Messrs Associated Cement Company Limited to distinguish the quantity of coal mined by machine cut from those obtained by solid blasting is satisfactory? If not, to what relief are the workmen entitled?

6. Whether the crusher supervisors employed in the coal washing plant of Nowrozabad Colliery of Messrs Associated Cement Company Limited are entitled to the payment of any extra wages for doing the work of taking down the attendance of the workmen working under them? If so, at what rate and from which date?

[No. 1/8/62-LRII.]

S.O. 3550.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the West Chirimiri Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of West Chirimiri Colliery was justified in terminating the services of Shri H. M. Choudhury, Medical Officer of the Colliery, with effect from the 1st August, 1962? If not, to what relief is he entitled?

[No. 5/24/62-LR-II.]

A. L. HANDA, Under Secy,

New Delhi, the 16th November 1962

S.O. 3551.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2840 dated the 21st November, 1961, the Central Government hereby exempts, for a further period of one year with effect from the 7th November, 1962, Shri V. D. Bakshi, an employee of the Punjab Government, now on deputation with Messrs Hindustan Housing Factory Limited, New Delhi, from the operation of the said Act, subject to the following conditions, namely:—

- (i) the aforesaid factory shall maintain a register showing the name and designation of the exempted employee; and
- (ii) that notwithstanding this exemption, the exempted employee shall continue to receive such benefits under the said Act to which he might have qualified on the basis of contributions paid before the date of exemption.

[No. F. 6(53)/62-HI.]

O. P. TALWAR, Under Secy.

New Delhi, the 20th November 1962

S.O. 3552.—In exercise of the powers conferred by sub-section (1) of section 22F of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour & Employment No. S.O. 2838 dated the 16th November, 1962, namely:—

In the Schedule to the said notification

- (1) Against the entry 'section 15' in column (1), in the entries in column (2) relating to sub-section (3), after item (ii), the following item shall be inserted, namely:—
- (iii) for the words "to which such employer or other person is liable under this Act," the words "to which such employer is liable under this Act" shall be substituted.

[No. LWI(I)-3(45)/60.]

K. D. HAJELA, Under Secy

ORDERS

New Delhi, the 16th November 1962

S.O. 3553.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India Limited, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

Schedule

Whether the Central Bank of India Ltd. is justified in imposing a condition that only such of its employees will be considered for promotion to the grade of officer E & F as agree to be governed by the Rules of the Bank as applicable to officers in respect of scales of pay and other conditions of service and not by those of the Award relating to the Banking Industry for the time being in force and, if not, to what relief such persons are entitled?

[No. 51(47)/62-LRIV.]

New Delhi, the 20th November 1962

S.O. 3554.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, New Delhi, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7-A, of the said Act.

SCHEDULE.

Whether the reversion of Shri Vashishta from the post of Librarian by the management of the Punjab National Bank Ltd., New Delhi, was justified and if not to what relief is he entitled?

[No. 51 (49) 62-LRIV.]

S.O. 3555.—Whereas an industrial dispute exists between the employers in relation to Trustees of the Port of Bombay and their workmen represented by the Bombay Port Trust General Workers' Union;

And, whereas, the said employers and the said workmen have, under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) referred the dispute to arbitration by a written agreement and have forwarded to the Central Government under sub-section (3) of the said section a copy of the said arbitration agreement which was received by the Central Government on the 14th November, 1962;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN

The Trustees of the Port of Bombay

AND

Their workmen employed as crews of vessels in the Port and Engineering Departments.

NAMES OF PARTIES:

Representing Employers: The Trustees of the Port of Bombay.

Representing Workmen: The Bombay Port Trust General Workers' Union.

It is hereby agreed between the parties to refer the following industrial dispute to the sole Arbitration of Shri M. R. Meher, President, Industrial Court, Maharashtra.

1. The matters in dispute are as follows:

Whether the fact that when a vessel is laid up for survey and/or repairs, the duty hours of the crews are fixed at 8 hours constitutes a breach of any of the Trustees' Rules and Regulations for Non-scheduled Staff or otherwise constitutes an illegality, and if so, to what relief, if any, are the workmen entitled? Is the demand for the continuance of 12-hour shifts during the period of survey and/or repairs otherwise justifiable?

2. The Employers are the Trustees of the Port of Bombay incorporated by Bombay Act VI of 1879 having their principal offices at Ballard Road, Fort, Bombay, and the establishments of the Bombay Port Trust concerned in the dispute are the Flotilla Establishments of the Employers' Port and Engineering departments,

the workmen directly concerned being the crews of vessels comprised in those sections.

3. The workmen's Union is the Bombay Port Trust General Workers' Union having their office at Kavarana Building, 26, Frere Road, Bombay—9.

4. The total number of workmen employed in the undertaking affected is 26,000.

5. The estimated number of workmen affected or likely to be affected by the dispute is about 1,823. (Port Department—910 and Engineering Department—913).

6. We further agree that the decision of the said Arbitrator shall be binding on us.

Dated the 17th day of October, 1962.

Signed by Shri ANTHONY LANCELOT DIAS

Sd./- Illegible
Chairman

Chairman,

and by Shri DAMODAR MATHURADAS ASHAR Trustee

and by Shri KESHAV VAMAN APTE Trustee.

two of the Trustees of the Port

of Bombay in the presence of

(Sd.) Illegible
Secretary,
Bombay Port Trust.

The Common Seal of the Trustees
of the Port of Bombay affixed in the
presence of

(Sd.) Illegible
Secretary,
Bombay Port Trust.

SIGNED for and on behalf of the
Bombay Port Trust General Workers' Union

(Sd.) Illegible

by Shri G. H. Kale, President

and by Shri P. Maitra, General Secretary

President
General Secretary.

in the presence of Shri S. R. Kamble, Water Supply Lascar, B.P.T.

Witness Kamlesar.

I, M. R. Meher, hereby consent to act as the Sole Arbitrator in this matter.

(M. R. Meher).

[No. 28/91/62/LR. IV.]

G. JAGANNATHAN, Under Secy.

CORRIGENDUM

New Delhi, the 15th November 1962

S.O. 3556/PWA/14/Mines/62.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3263/PWA/14/Mines/62, dated the 19th October, 1962 published at pages 3509 to 3512 in Part II, Section 3(ii) of the Gazette of India, dated the 27th October, 1962, in item V(4) (ii) on page 3510 for "Parasla" read "Parasla".

[No. Fac. 535/13/62.]

P. D. GAIHA, Under Secy.

